

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

STEVEN L. MACKEY,

Plaintiff,

Vs.

Case No. 05-4133-SAC

BURLINGTON NORTHERN SANTA  
FE RAILWAY COMPANY,

Defendant.

MEMORANDUM AND ORDER

The court referred this discovery dispute (Dk. 31) to the United States Magistrate Judge for report and recommendation. The Magistrate Judge filed a report and recommendation on August 18, 2006 (Dk. 39), clearly stating the parties' right to file written objections to the recommendation within ten days. Ten days have passed and no written objections have been filed in accordance with 28 U.S.C. § 636(b)(1).

The court has reviewed the report and recommendation, as well as the relevant pleadings in this case. Based upon this review and the absence of any filed objections, the court accepts the report and recommendation which amends the scheduling order, and adopts it as the ruling of this court.

IT IS SO ORDERED.

Dated this 12th day of September, 2006, Topeka, Kansas.

s/ Sam A. Crow  
Sam A. Crow, U.S. District Senior Judge