

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

STEVEN L. MACKEY,

Plaintiff,

vs.

No. 05-4133-SAC

BURLINGTON NORTHERN SANTA
FE RAILWAY COMPANY,

Defendant.

MEMORANDUM AND ORDER

The court referred this evidentiary dispute (Dk. 45) to the United States Magistrate Judge for report and recommendation. The Magistrate Judge filed a report and recommendation on November 6, 2006 (Dk. 53), 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.

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 relating to treating physicians and experts, and adopts it as the ruling of this court.

IT IS SO ORDERED.

Dated this 29th day of November, 2006, Topeka, Kansas.

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