

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TIMOTHY OWENS PARKS,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 06-2173-KHV
)	
STATE OF KANSAS,)	
)	
Defendant.)	
_____)	

ORDER

On November 8, 2006, defendant served on plaintiff its motion to dismiss for failure to state a claim on which relief can be granted. Under D. Kan. Rule 6.1(d)(2), plaintiff had until December 1, 2006 to file a response. Pursuant to D. Kan. Rule 7.4, if a respondent fails to file a timely response, “the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice.” For this reason and substantially the reasons stated in defendant’s Memorandum In Support Of Motion To Dismiss (Doc. #13-2) filed November 8, 2006, the Court finds that plaintiff’s amended complaint (Doc. #12), as supplemented by plaintiff’s original complaint (Doc. #1), should be dismissed under Fed. R. Civ. P. 12(b)(6).

IT IS THEREFORE ORDERED that defendant’s Motion To Dismiss (Doc. #13) filed November 8, 2006 be and hereby is **SUSTAINED**.

Dated this 19th day of December, 2006 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge