

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

MARCO D. CONLEY,

Plaintiff,

Vs.

No. 06-4017-SAC

BRUCE DICKSON IV, and FRANK PASE,
as an agent and employee of Topeka, Kansas and
as an individual, and THE CITY OF TOPEKA,
KANSAS,

Defendants.

MEMORANDUM AND ORDER

The court referred the following motion to the United States Magistrate Judge for report and recommendation: plaintiff's motion to strike defendant Dickson's answer as being untimely filed and motion for default judgment. The Magistrate Judge filed a report and recommendation on September 18, 2006, clearly stating the parties' right to file written objections to the recommendation within ten days of service. More than 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 and adopts it as

the ruling of this court.

IT IS THEREFORE ORDERED that plaintiff's motion to strike defendant Dickson's answer as being untimely filed and motion for default judgment (Dk. 13) is denied.

Dated this 18th day of October, 2006, Topeka, Kansas.

s/ Sam A. Crow

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