

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

KANECIA MCKAY,

Plaintiff,

v.

QUALITY WATER SPECIALIST, et al.,

Defendants.

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CIVIL ACTION

No. 07-2206-KHV

ORDER

Pro se plaintiff Kanecia McKay brings suit against Quality Water Specialist, Mary Lakowski, Robert Logos and Shienne Webb alleging discrimination based on race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and the Kansas Act Against Discrimination, K.S.A. § 44-1001 et seq. This matter comes before the Court on plaintiff's letter, dated August 20, 2007, (Doc. #32), which the Court construes as a motion for entry of default against all defendants.

In her letter, plaintiff requests "a settlement and dismissal since [defendants] didn't file [an answer] by the deadline." On August 10, 2007, defendants filed a motion for leave to file their answer out of time, see (Doc. #18), which Magistrate Judge James P. O'Hara sustained on August 14, 2007, finding that defendants had shown excusable neglect for their failure to timely answer. See Order (Doc. #25).¹ In light of Judge O'Hara's order permitting defendants to file their answer out of time, the Court finds that entry of default is not appropriate. Accordingly, plaintiff's

¹ In addition to her letter which the Court construes as a motion for entry of default, plaintiff has filed two letters also dated August 20, 2007, in which she requests a "thorough summary and explanation" of Judge O'Hara's finding of excusable neglect. To the extent these letters seek review of Judge O'Hara's ruling, the Court notes that Judge O'Hara's decision is sound.

letter of August 20, 2007 (Doc. #32), which the Court construes as a motion for entry of default against all defendants is overruled.

IT IS SO ORDERED.

Dated this 29th day of August, 2007 at Kansas City, Kansas.

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