

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SHARRON PARKER,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 08-1038-MLB
)	
BOARD OF PUBLIC UTILITIES)	
OF KANSAS CITY, KANSAS,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

Before the court are the following:

1. Defendant's motion to dismiss (Doc. 10);
2. Plaintiff's pro se response (Doc. 19); and
3. Defendant's reply (Doc. 20).

Also before the court are:

4. Plaintiff's motion for leave to amend (16);
5. Plaintiff's pro se appeal of this court's order denying leave to proceed in forma pauperis (Doc. 17); and
6. Plaintiff's request for designation of Wichita as the place of trial (Doc. 18).

Defendant's motion to dismiss is granted for the reasons set forth in the motion and the reply. The court has carefully considered plaintiff's pro se response to defendant's motion but the arguments she makes therein have no legal merit.

Plaintiff's appeal appears to address this court's order of July 17, 2008 denying her application for appointment of counsel (Doc. 15) rather than denying her leave to proceed in forma pauperis. Because this court is granting defendant's motion to dismiss, plaintiff's

appeal is moot because, at present, she has no case. The court notes plaintiff's motion for leave to amend to add the Unified Government of Wyandotte County/Kansas City, Kansas as a party but plaintiff has not complied with Local Rule 15.1 which requires that the proposed pleading be attached to the motion. Out of an abundance of caution, the court will allow plaintiff until September 5, 2008 to file a proposed amended complaint. However, based on the arguments and authorities set forth in the Board of Public Utilities' motion to dismiss, plaintiff may encounter the same problems she has had with respect to her claim against the Board of Public Utilities.

Accordingly, defendant's motion to dismiss (Doc. 10) is sustained and the court will enter judgment in accordance with Rule 58.

IT IS SO ORDERED.

Dated this 25th day of August 2008, at Wichita, Kansas.

s/ Monti Belot

Monti L. Belot

UNITED STATES DISTRICT JUDGE