

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LESLIE A. MCWILLIAMS,
Plaintiff,

vs.

Case No. 10-2506-JTM

THERESA KING, et al.,
Defendants.

MEMORANDUM AND ORDER

This matter is before the court on the Motions to Dismiss of *pro se* defendants Janett Heard, Julie Joyce, and Janice Jackson. The arguments of each of the defendants are similar — that defendants are not employed by any state entity, and that plaintiff Leslie McWilliams' Complaint fails to present any colorable claim against the defendants acting in their private capacities. The court has previously dismissed defendant Mike Simmons and Gateway Plaza Homes on precisely these grounds. (Dkt. 38). Although that Motion to Dismiss was also putatively offered on behalf of Heard, Joyce, and Jackson, the court held that the motion was not effective as to these defendants as they were appearing without the benefit of counsel and they had not signed the motion. (*Id.* at 3). These defendants then promptly submitted their own individual motions.

McWilliams has submitted no response to the motions of Heard, Joyce, or Jackson, although she has otherwise actively pursued her claims, including a motion to appoint counsel (Dkt. 53), two

motions for extension of time as to other deadlines (Dkt. 46, 58), and a Notice of Monetary Damages (Dkt. 47). Most recently, plaintiff has submitted a Motion to Amend Complaint (Dkt. 68), which is currently under consideration by the United States Magistrate Judge. The proposed Amended Complaint makes no mention of defendants Heard, Joyce, and Jackson. For good cause shown, and pursuant to D.Kan.R. 7.4, the motions to dismiss these *pro se* defendants are hereby granted.

IT IS SO ORDERED this 22nd day of December, 2011, that the Motions to Dismiss defendants Heard, Joyce, and Jackson (Dkt. 39, 40, 41) are hereby granted.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE