

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

DARSHAWN WITHERSPOON,

Plaintiff,

vs.

Case No. 10-2694-EFM

WYANDOTTE COUNTY, et al.,

Defendants.

ORDER

The above case comes on for consideration by the Court of its Report and Recommendations and the Order to Show Cause (Doc. 4) filed December 27, 2010. Plaintiff was instructed to show cause why this action should not be dismissed for failure to state a claim.

The Court has reviewed the Report and Recommendations and finds itself in complete agreement with the Magistrate Judge's conclusions. The Court notes that more than ten days have passed since the Report and Recommendation was filed and plaintiff has not filed a written objection to the proposed findings and recommendations.

The Court's Order to Show Cause gave Plaintiff up to and including January 14, 2011 in which to file his response as to why this case should not be dismissed. No response having been filed the Court finds that this action should be dismissed in its entirety without prejudice.

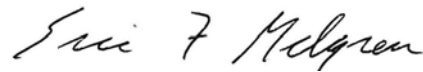
IT IS THEREFORE ORDERED, that the Court accepts the recommended decision of the Magistrate Judge in the Report and Recommendations (Doc. 4) and adopts it as its own.

IT IS FURTHER ORDERED, that this case is dismissed, without prejudice, for failure to state a claim.

A copy of this Order shall be sent to Plaintiff by certified mail.

IT IS SO ORDERED.

Dated this 25th day of January, 2011, in Wichita, Kansas.

A handwritten signature in cursive script, reading "Eric F. Melgren".

ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE