

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Leon Jones,

Plaintiff,

vs.

Case No. 11-2019-JTM

Ray LaHood Secretary of Transportation,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on the Motion to Dismiss of the defendant Secretary of Transportation (Dkt. 11), which seeks dismissal of the claims denominated as Claims a., b., c., f., h., i., and j. in *pro se* plaintiff Leon Jones' Complaint. The court denied plaintiff's request for a stay in the proceedings while he attends art school, and directed Jones to respond to the motion to dismiss on or before January 6, 2012. (Dkt. 21). Jones did not respond to the motion within the allotted time, but instead filed, on January 20, 2012, a "Notice" stating that in view of his upcoming departure from the area "the plaintiff feels as though there is no other option than to drop the case." (Dkt. 23). This Notice has been construed as a motion to dismiss by the plaintiff, and the defendant has indicated that he has no objection to the request.

IT IS ACCORDINGLY ORDERED this 31st day of January, 2012, that the plaintiff's Motion to Dismiss (Dkt. 23) is hereby granted; defendant's Motion to Dismiss (Dkt. 11) is denied as moot.

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