

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

FABIAN TINNER,

Plaintiff,

vs.

Case No. 11-2694-JTM

FARMERS INSURANCE COMPANY, INC.,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on the Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim (Dkt. 9) of the defendant Farmers Insurance, which was filed January 25, 2012. The defendant argues that the court is without diversity jurisdiction, as both it and *pro se* plaintiff Fabian Tinner are citizens of Kansas, and because Tinner — who alleges that Farmers breached its obligations under an insurance contract by paying settlement proceeds to a third-party medical lien-holder rather than directly to Tinner — has failed to present any basis for federal question jurisdiction.

Tinner has made no timely response to the Motion to Dismiss. For good cause shown and pursuant to D.Kan.R. 7.4, the motion of the defendant is hereby granted.

IT IS SO ORDERED this 22<sup>nd</sup> day of February, 2012.

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