

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RITA HOPSON,

Plaintiff,

v.

Case No. 14-1412-JTM-KGG

VIA CHRISTI HEALTH,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on plaintiff Rita Hopson's Motion to Proceed Without Payment of Fees (Dkt. 3). Plaintiff submitted an affidavit of financial status in support of her motion. The matter was considered by United States Magistrate Judge Kenneth G. Gale, who recommended the motion be granted but that the complaint be dismissed for failure to state a claim on which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2). (Dkt. 5).

Plaintiff objects to the recommendation to dismiss by stating that she should be allowed to correct her form complaint if she "left anything blank." (Dkt. 7, at 1). Plaintiff failed to identify appropriate grounds for federal subject matter jurisdiction by declaring that both she and defendant are Kansas residents while failing to identify non-diversity grounds for jurisdiction. (Dkt. 1, at 2-3). Such defect could be remedied by checking a line on the form complaint. However, Judge Gale identified that, as to plaintiff's statement of claim:

The factual basis for Plaintiff's claim fails to state a claim upon which relief may be granted. There is no allegation that the termination of her employment was motivated by a protected class such as race, sex, age, nationality, or religious affiliation. In fact, Plaintiff does not even allege that she belongs to a protected category.

(Dkt. 5, at 7). Plaintiff's pleading defects warrant dismissal without prejudice pursuant to 28 U.S.C. § 1915(e)(2). The court adopts Judge Gale's Report and Recommendation of Dismissal (Dkt. 5).

IT IS ACCORDINGLY ORDERED this 10th day of March, 2015, that plaintiff's complaint (Dkt. 1) is DISMISSED.

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