

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

ALESHEA DAVENPORT,

Plaintiff,

v.

WAL-MART STORES, INC.

Defendant.

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Case No. 14-CV-2124-JAR-JPO

ORDER OF DISMISSAL

Plaintiff Aleshea Davenport, proceeding *pro se* and *in forma pauperis*, filed this employment discrimination action against Defendant Wal-Mart Stores, Inc. based on three federal claims: (1) Title VII of the Civil Right Act of 1964 (“Title VII”), (2) the Age Discrimination in Employment Act of 1967 (“ADEA”), and (3) the Americans with Disabilities Act of 1990 (“ADA”). Plaintiff also asserts a malicious prosecution claim under state law. The Court previously considered a Motion to Dismiss filed by Defendant. In a July 9, 2014 Memorandum and Order (Doc. 15), the Court denied Defendant’s motion without prejudice, subject to Plaintiff refiling an amended complaint by August 12, 2014 that addressed the deficiencies in her original Complaint. The Court found that Plaintiff’s Complaint failed to sufficiently allege administrative exhaustion, a jurisdictional prerequisite to suit, that Plaintiff’s service was insufficient, and that the malicious prosecution allegations failed to state a cognizable claim for relief under Kansas law.

The July 9 Order was sent to Plaintiff’s address of record by certified mail; it was returned unclaimed and not remailed. The Court resent the July 9 Order to Plaintiff’s address of record on August 12, 2014. To date, Plaintiff has not amended her Complaint, nor is there

evidence that she properly served Defendant as required by the July 9 Order.¹

For all of the reasons set forth in the Court's July 9 Order, the Court hereby dismisses this action without prejudice.

IT IS THEREFORE ORDERED BY THE COURT that this case is dismissed in its entirety without prejudice.

Dated: August 27, 2014

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

¹The Court notes that Plaintiff has initiated two other lawsuits in this district: *Davenport v. KC Bindery and Mailing*, No. 14-2196-CM; and *Davenport v. International Paper, KC Bindery and Mailing, and Wal-Mart Stores*, 14-2424-DDC. The latter case was filed on August 26, 2014.