

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RAYMOND CHARLES ROBERTS,

Plaintiff,

v.

CASE NO. 14-3073-SAC-DJW

TRISTAN SHAVER, MHDD Tech,

Defendant.

O R D E R

Plaintiff Raymond Roberts, a person receiving treatment at the Larned State Hospital, filed this action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b) (1) (B), (C), the matter was referred to Magistrate Judge Waxse, who recommends the denial of leave to proceed in forma pauperis and the dismissal of this matter for failure to state a claim for relief. Plaintiff was granted 14 days to file written objections to the report.

Plaintiff did not file a response to the Report and Recommendation, and thus he has waived appellate review of the factual and legal issues discussed. See *United States v. One Parcel of Real Property*, 73 F.3d 1057, 1059-60 (10th Cir. 1996) (noting the Tenth Circuit's adoption of firm waiver rule that failure to make timely objection waives appellate review of factual and legal questions).

Accordingly, the court adopts Magistrate Judge Waxse's Report and Recommendation in its entirety.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion to

proceed in forma pauperis (Doc. 2) is denied and this matter is dismissed for failure to state a claim for relief.

A copy of this order shall be transmitted to the plaintiff.

IT IS SO ORDERED.

DATED: This 3d day of June, 2014, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge