

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Vaughn Snider,

Plaintiff,

vs.

Case No. 15-1043-JTM

Amy Burton,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court upon the Report and Recommendation filed by the United States Magistrate Judge (Dkt. 6), which both granted pro se plaintiff Vaughn Snider's request to proceed *in forma pauperis*, and recommended the undersigned dismiss the action pursuant to 28 U.S.C. § 1915(e)(2). Even allowing for a liberal construction of the pro se plaintiff's form Complaint, the Magistrate Judge determined that the Complaint failed to demonstrate any basis for federal subject matter jurisdiction, and further failed to state any claim for relief. (Dkt. 6, at 4-6 (citing *Moore v. Guthrie*, 438 F.3d 1036, 1039 (10th Cir.2006)). The Magistrate Judge concluded:

Simply stated, the factual basis for Plaintiff's claim fails to state a claim upon which relief may be granted. There are no factual allegations whatsoever regarding any civil rights violation. Defendant would not have sufficient notice of the claims asserted by Plaintiff, making it impossible to provide an appropriate answer. *Monroe*, 2002 WL 437964. Plaintiff's Complaint does not

even approach the minimal requirements of Fed.R.Civ.P. 8(a). There is no short and plain statement of the claim showing that Plaintiff is entitled to relief. There is no short and plain statement of the grounds upon which the court's jurisdiction depends. Based on the information presented in his Complaint, Plaintiff has not plead a viable federal court cause of action.

(*Id.* at 7).

Here, the Magistrate Judge explicitly advised the parties that, pursuant to 28 U.S.C. § 636(b)(1), Fed.R.Civ.P. 72, and D.Kan.R. 72.1.4, those portions of the Report and Recommendation to which neither party objects are deemed admitted, and that failure to object constitutes a waiver of any right to appeal. (Dkt. 6, at 8). *See Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1114 (10th Cir.2004); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

Plaintiff has failed to submit any timely objection to the Report and Recommendation. Plaintiff has filed a Supplement (Dkt. 8) to his Complaint, but this only specifies that "[t]he amount I am seeking is \$300,000." The Supplement makes no reference to the Report and Recommendation, and thus presents no objection Magistrate Judge's determination that the Complaint is so devoid of allegations of fact that dismissal is warranted.

For good cause shown and pursuant to D.Kan.R. 72.1.4, the Report and Recommendation is hereby adopted, and the present action is hereby DISMISSED.

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