

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

ALTUS KELLY,

*Plaintiff,*

vs.

Case No. 15-1219-EFM

BAOLUAN T. NGUYEN, M.D.

*et al.,*

*Defendants.*

**ORDER**

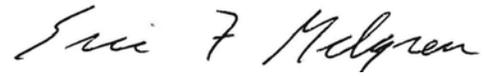
This matter is before the Court on Magistrate Judge Gwynne E. Birzer's Report and Recommendation (Doc. 5) that the Plaintiff's Complaint be dismissed with prejudice for lack of subject matter jurisdiction.

Plaintiff was mailed, via certified mail, a copy of the Report and Recommendation. The certified receipt was returned executed as of October 10, 2015. Plaintiff was advised he was to file written objections to the proposed recommendation within fourteen (14) days of being served a copy of the recommendation. No objections having been filed, this Court accepts the recommended decision of the Magistrate Judge and adopts it as its own.

**IT IS THEREFORE ORDERED**, the Plaintiff's Complaint is Dismissed with Prejudice and this case is closed.

**IT IS SO ORDERED.**

Dated this 4<sup>th</sup> day of November, 2016, in Wichita, Kansas.

A handwritten signature in black ink that reads "Eric F. Melgren". The signature is written in a cursive style with a large, stylized "E" and "M".

ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE