

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

CYNTHIA TRUELOVE
(aka CYNTHIA JOHNSON),

Plaintiff,

v.

Case No. 16-1093-JTM-GEB

RICKY E. JONES,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the court upon the Report and Recommendation filed by Magistrate Judge Birzer on April 28, 2016 (Dkt. 8). Judge Birzer granted plaintiff'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. *Id.* at 3-4. The Magistrate Judge concluded:

Plaintiff failed to provide any statement of her claim for relief, and the documents attached to the Complaint demonstrate her claim is a dispute over an eviction and/or housing contract. The federal court is not the proper forum for this state court claim. A review of the Complaint confirms Plaintiff neither pleads "enough facts to state a claim to relief that is plausible on its face," nor presents a rational argument on the facts or law in support of her claim.

Id. (internal citations omitted).

No objections to the Report and Recommendation have been filed, and the time for doing so has expired despite Judge Birzer's admonition regarding the consequences of failing to do so.

See Fed. R. Civ. P. 72(b). For good cause shown and pursuant to D. Kan. R. 72.1.4, the court adopts the Report and Recommendation and dismisses the present action.

IT IS THEREFORE ORDERED that Judge Birzer's Report and Recommendation (Dkt. 8) is accepted, adopted, and affirmed. Plaintiff's complaint is DISMISSED for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED this 27th day of May 2016.

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