

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LATRINA HAWKINS,

Plaintiff,

v.

Case No. 6:16-cv-01265-JTM

STARWOOD HOTELS AND RESORTS,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on defendant Starwood Hotels' Motion to Dismiss Plaintiff's Amended Complaint (Dkt. 11). Plaintiff has not responded to the motion and the time for doing so has now expired. For the reasons indicated below, the motion is granted.

The court previously found that plaintiff's initial complaint failed to state a claim upon relief could be granted. Dkt. 9. Even though plaintiff had not responded to defendant's motion to dismiss that complaint, the court granted plaintiff twenty days to file an amended complaint adequately setting forth her claims. *Id.* at 2-3. Plaintiff responded by filing what was labeled "Amended Complaint," Dkt. 10, but which failed to remedy the defects noted by the court in the initial complaint. Defendant now moves to dismiss the Amended Complaint on the grounds that it fails to set forth sufficient facts to explain the basis of the claims or to show that plaintiff was terminated on account of race or disability. Dkt. 12 at 1. Plaintiff has again failed to respond to the motion within the time permitted by local rule.

After reviewing the motion and the record, the court concludes that the motion to dismiss the Amended Complaint should be granted. The Amended Complaint fails to set forth sufficient facts to show that plaintiff has stated a plausible claim for race or disability discrimination. Additionally, the court considers the motion to be uncontested pursuant to D. Kan. R. 7.4, and is granted for that reason as well.

IT IS THEREFORE ORDERED this 11th day of October, 2016, that defendant Starwood Hotels and Resorts' Motion to Dismiss Plaintiff's Amended Complaint (Dkt. 11) is GRANTED, and the action is hereby dismissed.

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