

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

JAMES LEE LISTER,

Plaintiff,

v.

Case No. 16-cv-1402-JTM

CITY OF WICHITA, KANSAS,

Defendant.

**MEMORANDUM AND ORDER**

Plaintiff James Lister brings this pro se employment discrimination action under Title VII of the Civil Rights Act of 1964, against defendant City of Wichita. This case is duplicative of Case No. 16-1038, which the court dismissed for plaintiff's failure to exhaust his administrative remedies and failure to state a claim upon which relief can be granted. *Lister v. City of Wichita*, Case No. 16-1038, Dkt. 12 (June 23, 2016) (order granting motion to dismiss), appeal docketed No. 16-3229. For that reason, the court dismisses this action and denies plaintiff's motion to proceed in forma pauperis (Dkt. 3) and his motion to appoint counsel (Dkt. 4).

**IT IS THEREFORE ORDERED** this 1st of November, that Lister's motions (Dkt. 3 and 4) are **DENIED**. This action is also dismissed as duplicative of Case No. 16-1038.

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