

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

JOAN E. FARR,

Plaintiff,

v.

DARYL DAVIS, et al.,

Defendants.

Case No. 16-2180-CM

MEMORANDUM AND ORDER

Plaintiff Joan E. Farr brings this action pro se, claiming that defendants violated her constitutional rights under 42 U.S.C. § 1983. Plaintiff claims that defendants conspired to deprive her of her rights by stealing her property and influencing the police to harass plaintiff. The case is before the court on plaintiff's Renewed Motion to Amend Complaint (Doc. 36). Magistrate Judge Kenneth G. Gale issued a Report and Recommendation recommending that this court deny plaintiff's leave to amend. Plaintiff timely objected to the Report and Recommendation. For the following reasons, the court adopts the Report and Recommendation, and denies plaintiff's motion to amend.

Plaintiff seeks leave to allege violations of 18 U.S.C. § 242. This statute is a criminal statute. It provides no private right of action. *See Perkins v. Univ. of Kansas Med. Ctr.*, No. 13-2530-JTM, 2014 WL 1356042, at *4 (D. Kan. Apr. 7, 2014) (citing *Figueroa v. Clark*, 810 F. Supp. 613, 615 (E.D. Pa. 1992) (holding there is no private cause of action for alleged violations of 18 U.S.C. § 241 and 18 U.S.C. § 242)). While leave to amend should freely be given, Fed. R. Civ. P. 15(a), the court may deny a request to amend for futility, *Foman v. Davis*, 371 U.S. 178, 182 (1962). Plaintiff's proposed amendment is futile.

IT IS THEREFORE ORDERED that the Report and Recommendation of Judge Gale (Doc. 38) is adopted in full.

IT IS FURTHER ORDERED that plaintiff's Renewed Motion to Amend (Doc. 36) is denied.

Dated this 27th day of March, 2017, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge