

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

ERIC DAVID KELLER,

Plaintiff,

v.

Case No. 16-cv-2467-JTM-TJJ

RICK STEVENS,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the court upon the Report and Recommendation filed by Magistrate Judge James on July 5, 2016 (Dkt. 5). Judge James recommended the undersigned dismiss the action pursuant to 28 U.S.C. § 1915(e)(2) because: 1) plaintiff's factual allegations are insufficient to raise a right to relief above the speculative level; and 2) no facts alleged would support the District of Kansas having jurisdiction over defendant. *Id.* at 3. Despite Judge James's admonition regarding the consequences of failing to do so, plaintiff has filed no objections to the Report and Recommendation to date, and the time for doing so has expired. For good cause shown and pursuant to D. Kan. Rule 72.1.4, the court adopts the Report and Recommendation and dismisses the present action.

IT IS THEREFORE ORDERED that Judge James's Report and Recommendation (Dkt. 5) 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 22nd day of July 2016.

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