

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

**TAMMY L. BARNES,**

**Plaintiff,**

**v.**

**ELIZABETH A. BORGMANN,  
et al.,**

**Defendants.**

**Case No. 16-CV-4103-DDC-GEB**

**ORDER**

On July 29, 2016, Magistrate Judge Gwynne E. Birzer issued a Report and Recommendation (Doc. 8), recommending dismissal of this lawsuit because it fails to state a claim upon which relief may be granted under 28 U.S.C. § 1915(e)(2)(B)(ii). Judge Birzer noted in her Report and Recommendation that plaintiff may serve and file objections to the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72, within 14 days after service. Doc. 8 at 4. She also advised plaintiff that failing to make a timely objection to the Report and Recommendation waives any right to appellate review of the proposed findings of fact, conclusions of law, or recommended disposition. *See id.* (explaining that “[f]ailure to make a timely objection waives appellate review of both factual and legal questions.”).

Plaintiff is a registered *pro se* participant who receives electronic notifications of all filings in the case. *See* Docket Annotation dated June 17, 2016. Plaintiff thus received a copy of the Report and Recommendation by electronic notification when Judge Birzer issued it on July 29, 2016. *See* Doc. 8 at 4 (noting that plaintiff will receive electronic notification of the order so no additional mailing is necessary).

The 14-day response time for plaintiff to file any objections to the Report and Recommendation has expired. She has filed no objections to the Report and Recommendation, and she did not seek an extension of time to file an objection. Because plaintiff has filed no objection to the Report and Recommendation within the time prescribed by rule, and she has sought no extension of time to file an objection, the Court accepts, adopts, and affirms Judge Birzer's Report and Recommendation in its entirety.

**IT IS THEREFORE ORDERED** that, after reviewing the file *de novo*, the Report and Recommendation issued by United States Magistrate Gwynne E. Birzer on July 29, 2016 (Doc. 8) is **ACCEPTED, ADOPTED and AFFIRMED**. The Court dismisses this action under 28 U.S.C. § 1915(e)(2)(B)(ii).

**IT IS SO ORDERED.**

**Dated this 16th day of August, 2016, at Topeka, Kansas.**

s/ Daniel D. Crabtree  
**Daniel D. Crabtree**  
**United States District Judge**