

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TIMOTHY A. PERRY,

Plaintiff,

vs.

Case No. 17-1157-JTM

CITY OF ARKANSAS CITY, KANSAS, *et al.*

Defendants.

MEMORANDUM AND ORDER

This matter comes before the court on the Report and Recommendation of the United States Magistrate Judge (Dkt. 11), which summarized the *pro se* plaintiff's history of litigation against various officers and agents of Arkansas City, Kansas. This previous litigation resulted in the imposition of filing restrictions in 2014. Perry filed the present action without compliance with those restrictions, and the Magistrate Judge issued a show cause order (Dkt. 7) based up this failure.

The plaintiff has made no response or objection to the subsequent Report and Recommendation, in which the Magistrate Judge found that plaintiff had indeed failed to comply with the filing restrictions, but did not determine whether the case should be dismissed on those grounds, finding instead that the matter should be dismissed on the merits.

The court hereby adopts and incorporates the Report and Recommendation. The vague and conclusory federal claims advanced by the plaintiff fail to present any plausible claim of deprivation of his constitutional rights. (Dkt. 11, at 9-11). And the court lacks jurisdiction to hear the various state law claims advanced against the defendants. (*Id.* at 11-12).

IT IS ACCORDINGLY ORDERED this 18th day of October, 2017, that the Report and Recommendation is adopted, and the present matter is hereby dismissed for failure to state a claim on which relief may be granted under 28 U.S.C. § 1915(e)(2)(B)(ii) and for lack of subject-matter jurisdiction under Fed. R. Civ. P. 12(h)(3).

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