

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

STATE OF KANSAS,

Plaintiff,

v.

JULIUS KING RAMBO, III,

Defendant.

Case No. 17-2605-CM

MEMORANDUM AND ORDER

On October 27, 2017, United States Magistrate Judge James P. O'Hara issued a Report and Recommendation (Doc. 4), recommending this court grant defendant Julius King Rambo, III's Motion to Proceed Without Prepayment of Fees (Doc. 3). Judge O'Hara, however, also recommended defendant's action be dismissed under the screening requirement of 28 U.S.C. § 1915(e)(2). Defendant timely filed objections to the Report and Recommendation and moved to stay the case. (Doc. 7). For the reasons set forth below, the court overrules defendant's objections, denies his motion to stay, and adopts the Report and Recommendation.

Defendant, proceeding pro se, filed a civil complaint seeking removal of two state-court criminal actions (Doc. 1) and a motion to proceed *in forma pauperis* (Doc. 3). Under 28 U.S.C. § 1915(e)(2), after a party is granted leave to proceed *in forma pauperis*, the court is required to screen the complaint and dismiss the case if it is legally frivolous. Judge O'Hara determined that defendant had not alleged any claims that would justify removing his state criminal prosecution to federal court under 28 U.S.C. § 1443. Further, defendant had not stated a claim for relief for any separate federal claims, and even if he had, the State of Kansas is immune from suit under the Eleventh Amendment to the United States Constitution.

Defendant filed a Stay of Proceeding, which this court has interpreted as objections to the Report and Recommendation. A party is only entitled to a de novo review of a report and recommendation when specific objections are made. *See* 28 U.S.C. §636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”); Fed. R. Civ. P. 72(b)(2), (3). Here, defendant has not specifically objected to any of Judge O’Hara’s findings. While it is difficult to comprehend defendant’s pleading, the court determines that his “objections” are merely an attempt to reargue the merits of his case. Even without guidance as to what specific errors, if any, were made by Judge O’Hara, the court finds no error in Judge O’Hara’s reasoning. Judge O’Hara correctly found defendant has no grounds to remove his state criminal prosecution to federal court and has not stated any federal claims for relief.

The court therefore adopts Judge O’Hara’s Report and Recommendation. Defendant is granted leave to proceed *in forma pauperis*, but his claim is dismissed under 28 U.S.C. § 1915(e)(2).

IT IS THEREFORE ORDERED that defendant’s Stay of Proceedings (Doc. 7) is denied and the Report and Recommendation (Doc. 4) is adopted in its entirety. This case is closed.

Dated January 26, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge