IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

MARIA MOSQUEDA, ROBERTO MOSQUEDA, and ELIZABETH MOSQUEDA,

Plaintiffs,

v.

Case No. 18-1006-JWB

CITY OF WICHITA POLICE DEPARTMENT, and UNITED STATES MARINE CORPS.

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on a Report and Recommendation (Doc. 16) by Magistrate Judge Gwynne E. Birzer recommending dismissal of Plaintiffs' complaint. For the reasons stated below, the Recommendation is ADOPTED and Plaintiffs' complaint is DISMISSED WITHOUT PREJUDICE.

Plaintiffs filed a complaint on January 5, 2018, containing vague and conclusory allegations that Defendants had defamed or discriminated against Plaintiffs. (Doc. 1.) On May 5, 2018, Magistrate Judge Birzer found Plaintiffs' complaint did not comply with Fed. R. Civ. 8, in that it failed to allege a basis for jurisdiction or for any valid claims against Defendants, and she ordered Plaintiffs to file an amended complaint by July 20, 2018. (Doc. 15 at 4.) On August 18, 2018, after no amended complaint was filed, Magistrate Judge Birzer recommended that the complaint be dismissed without prejudice for failure to comply with Rule 8. (Doc. 16 at 6.)

The Report and Recommendation notified Plaintiffs they had 14 days after being served with the Report to object to it, and that a failure to timely object was a waiver of appellate review of both factual and legal questions. (Doc. 16 at 6.) A certified mail receipt shows Plaintiffs were

served with the Report and Recommendation on August 14, 2018. (Doc. 17.) No objections to the

Report and Recommendation have been filed.

The court finds Plaintiffs' complaint fails to comply with Fed. R. Civ. P. 8(a) and that

dismissal of the complaint is appropriate under the circumstances. Accordingly, the Report and

Recommendation (Doc. 16) of the Magistrate Judge is ADOPTED, and Plaintiffs' complaint is

hereby DISMISSED WITHOUT PREJUDICE.

Dated September 11, 2018.

s/ John W. Broomes

JOHN W. BROOMES

UNITED STATES DISTRICT JUDGE

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