

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

