

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

CEDRIC GREENE,

Plaintiff,

v.

Case No. 18-1026-JTM-KGG

TERRI HARRIS and VICKI BROACH,

Defendants.

**MEMORANDUM AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION**

This matter comes before the court on the Magistrate Judge's Report and Recommendation ("R&R"), filed February 14, 2018 (Dkt. 6), recommending that the court dismiss plaintiff's complaint for failure to state a claim on which relief may be granted pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6). The Magistrate Judge notified plaintiff of his ability to file objections within 14 days after being served with a copy of the R&R. On February 16, 2018, plaintiff filed a motion to stay case (Dkt. 8). He also filed a document titled Declaration and Request for Change of Venue under 28 U.S.C § 1404(a) (Dkt. 10).

Having reviewed the R&R and plaintiff's filings, the court finds that the Magistrate Judge fully and accurately considered plaintiff's claims and governing legal authority. In his complaint, plaintiff alleges that he "was the victim of a 'very serious crime' that almost ended his life." (Dkt. 1, at 4). The crime occurred in Hot Springs, Arkansas. Plaintiff states that the person who committed the crime subsequently

returned to California “to avoid being arrested . . . .” *Id.* Neither defendant in this case is the individual who allegedly committed the crime against plaintiff; rather, defendants appear to be individuals involved in the resultant court proceedings in Arkansas. Plaintiff does not state a viable claim against defendants.

Additionally, plaintiff’s assertions that other states have expressed zero interest in resolving this matter and the District of Kansas is convenient because his spouse has family in the Wichita area are insufficient to support personal jurisdiction or venue in the District of Kansas. *See Trujillo v. Williams*, 465 F.3d 1210, 1217 (10th Cir. 2006) (“[T]he district court may dismiss under § 1915 only if ‘it is clear that [the plaintiff] can allege no set of facts,’ . . . to support personal jurisdiction or venue.”). Notably, plaintiff now requests that Kansas recuse itself because it is biased against plaintiff and requests a change of venue (Dkt. 10). However, plaintiff fails to specify a court that would be appropriate to transfer to. Therefore, the court adopts the R&R (Dkt. 6).

IT IS THEREFORE ORDERED this 13th day of March, 2018, that plaintiff’s motion to stay case (Dkt. 8) and request for a change of venue (Dkt. 10) are denied.

IT IS FURTHER ORDERED that plaintiff’s claims, along with this case, are dismissed.

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