

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

GUY NEIGHBORS,

Plaintiff,

vs.

Case No. 18-4013-SAC

LYNETTE R. BAKKER, et al.,

Defendants.

**O R D E R**

On March 12, 2018, United States Magistrate Judge Sebelius filed a report and recommendation (Doc. No. 6) which advised that this court should dismiss this action for failure to state a claim upon which relief may be granted and because plaintiff is seeking monetary relief from defendants who are immune from such relief. Judge Sebelius stated that plaintiff would have fourteen days after service of a copy of the report and recommendation to file any written objections. Plaintiff, who is proceeding pro se, has not made a response to the report and recommendation.

A copy of the report and recommendation was sent to plaintiff by certified mail and regular mail. The certified mail addressed to plaintiff has been returned to the court unclaimed. The regular mail has not been returned as of the date of this order. According to Local Rule 5.1(c), it is the duty of a pro se party to notify the clerk in writing of any change of address. The court has not

received a notification from plaintiff of an address change in this case. Therefore, this court considers the notification by regular mail to plaintiff's last known address to be sufficient pursuant to Local Rule 5.1(c)(3), which states that any notice mailed to the last address of record of a party appearing pro se shall be sufficient notice.

The court has reviewed the report and recommendation and agrees that plaintiff has failed to state a claim and has sought monetary relief from defendants who are immune. In addition, it appears that this court should abstain as to some claims on the grounds of the Younger doctrine. See Taylor v. Jaquez, 126 F.3d 1294, 1297 (10<sup>th</sup> Cir. 1997)(listing the factors to consider when determining whether the court must abstain under the Younger doctrine).

Therefore, the court shall direct that this case be dismissed without prejudice.

**IT IS SO ORDERED.**

Dated this 30<sup>th</sup> day of March, 2018, at Topeka, Kansas.

s/Sam A. Crow  
Sam A. Crow, U.S. District Senior Judge