

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

LARRY MCVEY,

Plaintiff,

v.

COMMERCE BANK, et al.,

Defendants.

Case No. 5:18-CV-04136-HLT

ORDER

Pro se¹ Plaintiff Larry McVey asserts claims for disability discrimination, slander, and defamation. The factual statement of his claims states:

Commerce Bank has lied and harassed me based on disabilities they have slandered my name[.] They continue to lie[.]

Doc. 1 at 4. He seeks a policy change as well as \$350,000,000,000.00 in damages. *Id.*

Defendants move to dismiss his complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), and this Court referred the motion to Magistrate Judge Teresa J. James. On January 14, 2019, Magistrate Judge James issued a Report and Recommendation (“R&R”) thoroughly analyzing the motion and recommending that the motion be granted. Plaintiff did not timely object to the R&R.

After a de novo review, the Court agrees with Magistrate Judge James’s analysis and conclusions and, therefore, adopts the R&R in its entirety. As a brief overview, under Rule 12(b)(6), to survive a motion to dismiss, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S.

¹ Based on his pro se status, the Court liberally construes Plaintiff’s pleadings and holds them to a less stringent standard. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). But the Court does not become his advocate. *Id.*

662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The plaintiff's claim is facially plausible if he pleads sufficient factual content to allow the court "to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* In this case, Plaintiff's claims do not meet this standard. He does not provide factual content that allows the Court reasonably to infer that Defendants are liable for disability discrimination, slander, or defamation.

THE COURT THEREFORE ORDERS that Judge James's Report and Recommendation (Doc. 12) is ADOPTED.

THE COURT FURTHER ORDERS that Defendants' Motion to Dismiss (Doc. 3) is GRANTED. Plaintiff's claims against Defendants Commerce Bank, Tracy Adams, and Nakea Moses are DISMISSED.

IT IS SO ORDERED.

Dated: February 14, 2019

/s/ Holly L. Teeter
HOLLY L. TEETER
UNITED STATES DISTRICT JUDGE