

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

MARJORIE A. CREAMER,

Plaintiff,

v.

WASHBURN LAW SCHOOL, et al.,

Defendant.

Case No. 19-2044-CM-TJJ

MEMORANDUM AND ORDER

On April 24, 2019, United States Magistrate Judge Teresa J. James entered a Report and Recommendation (Doc. 8), recommending that this court dismiss plaintiff Marjorie A. Creamer's complaint for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff had until May 8, 2019 to file written objections to the Report and Recommendation pursuant to Rule 72(b)(2) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Plaintiff did not file any objections. Generally, a failure to timely object to a Report and Recommendation precludes any appellate review of the disposition of the case or motion. *Morales-Fernandez v. INS*, 418 F.3d 1116, 1119 (10th Cir. 2005) ("This court has adopted a firm waiver rule under which a party who fails to make a timely objection to the magistrate judge's findings and recommendations waives appellate review of both factual and legal questions.").

The court would note, however, that plaintiff filed what *could* be interpreted as a motion for extension of time (Doc. 9), presumably to file written objections to the Report and Recommendation. Much like the rest of plaintiff's pleadings and motions, this motion is filled with illegible and hard to understand statements. Liberally interpreting this filing as a motion for extension of time to file written objections to the Report and Recommendation, the court denies the motion finding plaintiff did not show

any good cause, or cause whatsoever, to justify a time extension. Even if she had, the court believes allowing her additional time to file written objections would have been futile, as her objections would likely have followed a similar pattern as the rest of her filings.

The court has reviewed the Report and Recommendation of Judge James and fully agrees with the analysis. Because plaintiff failed to timely object, and further because the court agrees with Judge James's recommendation, the court finds that plaintiff's complaint should be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

IT IS THEREFORE ORDERED that the court adopts in full the Report and Recommendation of Judge James (Doc. 8). Plaintiff's complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

IT IS FURTHER ORDERED that plaintiff's Motion for Extension of Time (Doc. 9) is denied.

IT IS FURTHER ORDERED that plaintiff's Motion to Expedite IFP (Doc. 5), Motion for Order (Doc. 6) and Motion for Order (Doc. 11) are denied as moot.

This case is closed. The clerk of the court is directed to enter judgment in favor of defendants and against plaintiff.

Dated June 27, 2019, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge