

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

| | | |
|---|---|------------------------|
| JOE HAND PROMOTIONS, INC., |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION |
| |) | |
| v. |) | No. 19-2497-KHV |
| |) | |
| EL RODEO RESTAURANT, INC. |) | |
| d/b/a EL RODEO RESTAURANT, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

MEMORANDUM AND ORDER

On February 4, 2020, Joe Hand Promotions, Inc. filed a First Amended Complaint (Doc. #7) against El Rodeo Restaurant, Inc., Isabel C. Martinez and Ricardo Martinez, individually and as officers, directors, shareholders, members and/or principals of El Rodeo Restaurant, Inc. On May 19, 2020, U.S. Magistrate Judge Angel D. Mitchell ordered plaintiff to show cause by May 26, 2020 why she should not recommend that the Court dismiss its claims pursuant to Rule 4(m) and/or Rule 41(b), Fed. R. Civ. P., and why she should not recommend that the Court strike the amended complaint for violating Rule 11(a), Fed. R. Civ. P. Notice And Order To Show Cause (Doc. #12). On June 4, 2020, because plaintiff had not responded, Judge Mitchell recommended that the Court dismiss this action without prejudice. Report And Recommendation (Doc. #13). On June 10, 2020, plaintiff responded to the Notice And Order To Show Cause (Doc. #12) and objected to the Report And Recommendation (Doc. #13). Plaintiff's Objection To Report And Recommendations (Doc. #14).

Given the new information in plaintiff's pleading, the Court refers this action back to Judge Mitchell for an amended report and recommendation.

IT IS THEREFORE ORDERED that the Report And Recommendation (Doc. #13) filed

June 4, 2020 is **not adopted**. The Court asks that Judge Mitchell file an amended report and recommendation which considers the information in Plaintiff's Objection To Report And Recommendations (Doc. #14).

Dated this 6th day of July, 2020 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge