

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHRISTOPHER J. GILKEY,)
)
 Plaintiff,)
)
vs.)
)
KING OF FREIGHT,)
)
 Defendant.)

Case No.: 20-1053-EFM

ORDER

This matter is before the Court upon the Report and Recommendation (R&R) of the United States Magistrate Judge that Plaintiff's Complaint be dismissed as untimely, as the charge of discrimination before the EEOC was not filed within 300 days of the alleged discriminatory practice. The R&R provided that it should be mailed to Plaintiff via certified mail, and that Plaintiff would have fourteen days after service of a copy thereof to file with the District Judge any written objections thereto. The R&R was mailed on May 7, 2020, to Plaintiff, at the address of record for him on this case. That address came from his filing of the original Complaint, and the Court would further note that in March of this year a certified mailing to him at that address was signed for by Plaintiff. The May 7 mailing, however was returned undeliverable to that address.

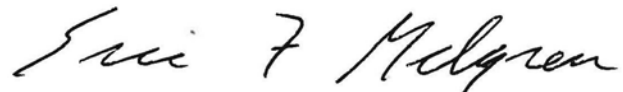
D. Kan. Rule 5.1(c)(3) provides that each pro se party must notify the clerk in writing of any change of address, and that any notice mailed to the last address of record will be sufficient notice. As the R&R was mailed to the last address of record for the Plaintiff, it is therefore deemed sufficiently served. More than fourteen days have passed without Plaintiff having filed any written objections. Therefore, the Court finds that in the absence of objections to the R&R, it should be adopted.

IT IS THEREFORE ORDERED that the R&R that this case be dismissed, Doc 8, is adopted at this Court's own order, and this case is dismissed.

IT IS SO ORDERED.

Dated this 16th day of June, 2020.

This case is closed.

A handwritten signature in black ink that reads "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE