

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

RAYMOND L. ISOM,

Plaintiff,

v.

**SALINA REGIONAL HEALTH CENTER, et
al.,**

Defendants.

Case No. 20-1055-JAR-GEB

ORDER ADOPTING REPORT AND RECOMMENDATION

Fourteen days having passed, and no written objections being filed to the proposed findings and recommendations filed by Magistrate Judge Gwynne E. Birzer, and after a de novo determination upon the record pursuant to Fed. R. Civ. P. 72(b), the Court accepts as its own the recommended decision to deny Plaintiff's Motion to Proceed in forma pauperis (Doc. 2), and to dismiss this case under Fed. R. Civ. P. 12(h)(3). The Court declines the recommendation to dismiss with prejudice because dismissal for lack of subject-matter jurisdiction should be without prejudice.¹

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff Raymond Isom's Motion to Proceed in forma pauperis (Doc. 2) is denied in accordance with the April 13, 2020 Report and Recommendation (Doc. 4). This case is hereby dismissed without prejudice for lack of subject-matter jurisdiction.

IT IS SO ORDERED.

Dated: May 7, 2020

¹ *Brereton v. Bountiful City Corp.*, 434 F.3d 1213, 1218 (10th Cir. 2006).

S/ Julie A. Robinson
JULIE A. ROBINSON
CHIEF UNITED STATES DISTRICT JUDGE