

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MUZAFAR BABAKR,

Plaintiff,

v.

No. 20-2037-SAC-JPO

DR. HOLLY T. GOERDEL, et al.,

Defendants.

MEMORANDUM AND ORDER

The plaintiff Muzafar Babakr (“Babakr”), a former doctoral student at the University of Kansas (“KU”), brings this *pro se* action against various KU staff members. Challenging his dismissal from the doctoral program in the School of Public Affairs and Administration (“SPAA”), Babakr has alleged claims for discrimination, constitutional violations, breach of contract and tortious injury from the manner in which his doctoral program was administered, mentored, supervised and reviewed, and from his eventual dismissal from the program. A month after filing his original complaint, Babkr filed his first amended complaint totaling 671 paragraphs and 147 pages. On February 25, 2021, the court granted in part and denied in part the defendants’ joint motion to dismiss (ECF# 21). ECF# 38. The order also granted the plaintiff leave to file a separate motion for leave to amend his complaint to “address only those counts and claims expressly noted . . . as having pleading deficiencies that are possibly curable.” ECF# 38, at 59-60. The court also cautioned that it would “likely regard any effort to amend the other counts and claims as futile. *Id.* at 60.

Babakr timely filed his motion to amend, (ECF# 44), which the magistrate judge rightly characterized as an effort to amend the complaint “substantially.” ECF# 59, p. 3. The defendants opposed the motion and argued for striking parts of the proposed second amended complaint. ECF# 48. After carefully and thoroughly reviewing the proposed pleading and the parties’ arguments, the magistrate judge granted the plaintiff’s motion in part and denied it in part. ECF# 59. More specifically, the order granted the plaintiff’s motion to add a § 1983 claim for reinstatement but recommended denying the request to add Dr. Lejuez as a defendant in his official capacity. The order recommended denying the proposed amendments to the national origin discrimination claim alleged in count one for failure to allege a plausible claim for relief. The order allowed adding to count five the defendant Dr. Getha-Taylor in her individual capacity. The order recommended the court deny the plaintiff’s amendment to his defamation claim. Finally, the order directs Babakr to strike the listed paragraphs from his second amended complaint as they do not reflect the claims remaining in the case. The order also gives the plaintiff seven days after the district court’s order on the report and recommendation to file his second amended complaint consistent with the court’s rulings. The defendants were given 14 days thereafter to respond.

On July 9, 2021, the plaintiff filed an unopposed motion for extension of time to file objections to the magistrate judge’s report and recommendation (ECF# 63) which the magistrate judge promptly granted (ECF# 64). On July 15, 2021, the plaintiff filed an unopposed motion to withdraw his motion for extension of time. ECF# 65. The magistrate judge entered a text order granting the motion to withdraw

and stating that the “Plaintiff represents he doesn’t intend to file objections to the court’s report and recommendations.” ECF# 66.

As the time for filing objections to the magistrate judge’s report and recommendation has expired without a party filing any objections, the court has reviewed the report and recommendation and hereby accepts and adopts it in its entirety without any change.

IT IS SO ORDERED.

Dated this 16th day of July, 2021, Topeka, Kansas.

/s Sam A. Crow
Sam A. Crow, U.S. District Senior Judge