

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

PRESTON TAYLOR TIMMONS,

Plaintiff,

v.

**WICHITA POLICE DEPARTMENT and
CRYSTAL A. SHELL, aka Crystal A. Schell,**

Defendants.

Case No. 21-1078-JAR-GEB

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation filed on May 3, 2021 (Doc. 7). Fourteen days having passed, and no written objections being filed to the proposed findings and recommendations 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 the recommended decision and adopts it as its own.

IT IS THEREFORE ORDERED BY THE COURT that in accordance with the May 3, 2021 Report and Recommendation (Doc. 7), Plaintiff's Motion to Proceed without Prepayment of Fees (Doc. 3, *sealed*) is **denied** and this case is **dismissed without prejudice** for failure to state a cognizable claim under Fed. R. Civ. P. 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B).

IT IS SO ORDERED.

Dated: June 1, 2021

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