

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

**JAMES LUTHER BRYSON,**

**Plaintiff,**

**v.**

**CITY OF WICHITA, et al.,**

**Defendants.**

**Case No. 5:22-cv-04037-HLT-KGG**

**ORDER**

Pro se Plaintiff James Luther Bryson<sup>1</sup> filed this case against various Defendants, including the City of Wichita; Sedgwick County, Kansas; Comcare; St. Francis Hospital; St. Joseph Hospital; Humankind (a non-profit organization that serves the homeless in Sedgwick County); pastors of the City Life Church; the 21st Street Market; and the Mental Health Association of Kansas. The magistrate judge granted Plaintiff's motion to proceed in forma pauperis, screened his complaint, and issued a Report and Recommendation ("R&R") recommending that this case be dismissed for failure to state a claim. Doc. 5. Plaintiff filed an objection. Doc. 7.

Under 28 U.S.C. § 1915(e)(2)(B), when a plaintiff proceeds in forma pauperis, a court may screen the complaint and dismiss a case if it determines the action, among other things, fails to state a claim on which relief may be granted. Because this is a dispositive matter, under Fed. R. Civ. P. 72(b), a magistrate judge can only issue an R&R for a decision by the district judge. The district judge reviews de novo those portions of the magistrate judge's R&R to which specific written objections have been made. Fed. R. Civ. P. 72(b)(2)-(3). Objections must be specific and

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<sup>1</sup> Because Plaintiff proceeds pro se, his pleadings are construed liberally and held to a less stringent standard than pleadings drafted by lawyers. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). But the Court does not assume the role of advocate. *Id.*

timely. *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). If no specific objections are timely made, the district judge may review the R&R under any standard she finds appropriate. *Price v. Kansas*, 2016 WL 4500910, at \*1 (D. Kan. 2016) (citing *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991)). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

Here, Plaintiff has not provided specific objections to the R&R. Objections must be “sufficiently specific to focus the district court’s attention on the factual and legal issues that are truly in dispute.” *2121 E. 30th St.*, 73 F.3d at 1060. Here, Plaintiff writes, “I, James Luther Bryson[,] wish to appeal the decision made on 7-25-2022.” Doc. 7. He then lists over twenty numbers that appear to reference various statutes without any explanation. *Id.* This is not a specific objection, and the Court finds that the R&R should be adopted.

But even under de novo review and considering the nonspecific objection, the Court agrees with the magistrate judge’s assessment in the R&R that Plaintiff has not stated a plausible claim. Plaintiff alleges in his complaint that St. Joseph Hospital “stole [his] [b]aby . . . and ‘sold’ [his] [b]aby girl.” Doc. 1 at 3. His requested relief is for “[j]ustice to be served, [and] for forgiveness to prevail.” *Id.* He also requests seventeen million dollars in damages. *Id.* at 4. There are no other factual allegations in his Complaint.

Plaintiff alleges insufficient facts and does not state a plausible claim. He does not identify the legal basis of the alleged violations. He does not allege when the events occurred. He does not explain how Defendants stole or sold his baby girl. And he generally fails to connect Defendants to each other or to his claims. The Court agrees with the magistrate judge’s assessment that the

complaint suffers from a “dearth of factual information” and fails to state a claim against Defendants. Doc. 5 at 7.

The Court is very sympathetic to Plaintiff’s troubles, and his frustration and concern are evident. But this Court must apply the law and controlling precedent. And based on the law and controlling precedent, Plaintiff has not stated a claim on which relief can be granted.

THE COURT THEREFORE ORDERS that it ADOPTS the Report and Recommendation (Doc. 5).

THE COURT FURTHER ORDERS that Plaintiff’s case is DISMISSED WITHOUT PREJUDICE. This case is closed.

IT IS SO ORDERED.

Dated: August 3, 2022

/s/ Holly L. Teeter  
HOLLY L. TEETER  
UNITED STATES DISTRICT JUDGE