

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

ALVERNE ZELMA BUSH,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 23-2494-KHV
)	
NYOKA ISABELL,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

On November 7, 2023, Alverne Zelma Bush, proceeding pro se, brought suit against Nyoka Isabell who supervised plaintiff during her employment at Lakeview Village, Inc.¹ This matter is before the Court on Defendant’s Motion To Dismiss (Doc. #20) filed March 8, 2024. Plaintiff had until March 29, 2024 to respond to defendant’s motion. D. Kan. Rule 6.1(d)(1). Plaintiff did not file a response and defendant’s motion is therefore unopposed. A party who fails to file a responsive brief or memorandum within the time specified waives the right to later do so, and the Court will consider and decide the motion as uncontested.² D. Kan. Rule 7.1(c). Ordinarily, the Court will grant the motion without further notice. Id. For this reason and substantially the reasons

¹ In her complaint, plaintiff asserts federal civil rights jurisdiction under 28 U.S.C. § 1343 and alleges that (1) she is a 77-year-old AfroAmerican female, (2) Isabell did not give her a job description for her receptionist role until 30 days before Lakeview terminated her employment, (3) Isabell did not train her “like the White Receptionist” and (4) she “was denied access to certain lunch areas and accused of abandoning [her] work.” Civil Complaint (Doc. #1) filed November 7, 2023 at 3.

² The Court affords a pro se plaintiff some leniency and must liberally construe the pleadings. See Oltremari v. Kan. Soc. & Rehab. Serv., 871 F. Supp. 1331, 1333 (D. Kan. 1994). While the Court construes pro se pleadings liberally and holds them to less stringent standards than pleadings drafted by lawyers, a pro se litigant must “follow the same rules of procedure that govern all other litigants.” Nielsen v. Price, 17 F.3d 1276, 1277 (10th Cir. 1994).

stated in Defendant's Memorandum In Support Of Its Motion To Dismiss (Doc. #21) filed March 8, 2024, the Court sustains defendant's motion and dismisses plaintiff's complaint.

IT IS THEREFORE ORDERED that Defendant's Motion To Dismiss (Doc. #20) filed March 8, 2024 is **SUSTAINED**. The Court dismisses plaintiff's complaint.

Dated this 8th day of April, 2024 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge