IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARCUS DEAN SIMMS, Plaintiff, v. UNITED STATES OF AMERICA, Defendant.	Case No. 26-cv-2512-AWM-ADM

MEMORANDUM AND ORDER

Before the Court is United States Magistrate Judge Angel D. Mitchell's Amended Report and Recommendations. Doc. 22. Magistrate Judge Mitchell recommends that the Court dismiss this case without prejudice for failure to state a claim upon which relief can be granted. *Id.* at 2.

Pro se plaintiff Marcus Dean Simms timely filed an objection to the Report and Recommendations. Doc. 28. Having reviewed Plaintiff's Complaint, Doc. 1, his Motion to Amend Complaint, Doc. 11, his Motion for Determination of Damages, Doc. 12, his Motion for Attendance of Government Representatives and Relevant Witnesses at Trial, Doc. 13, and his Objections to both Magistrate Judge Mitchell's initial Report and Recommendations and her Amended Report and Recommendations, the Court has determined that Magistrate Judge Mitchell's analysis and conclusions of law are correct. The Court adopts Magistrate Judge Mitchell's recommendation and dismisses Plaintiff's Complaint, Doc. 1, for failure to state a claim.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's Complaint, Doc. 1, is **DISMISSED WITHOUT PREJUDICE**.

AND IT IS FURTHER ORDERED BY THE COURT that Magistrate Judge Mitchell's Amended Report and Recommendations, Doc. 22, is **ACCEPTED, ADOPTED, and AFFIRMED**.

IT IS SO ORDERED.

Dated this 14th day of September, 2026, at Topeka, Kansas.

s/ Anthony W. Mattivi
Anthony W. Mattivi
United States District Judge