

Plaintiff's deadline has now passed, and plaintiff has not filed an amended complaint. Accordingly, this action is hereby dismissed, without prejudice, for lack of federal subject matter jurisdiction.

IT IS THEREFORE ORDERED BY THE COURT THAT this action is hereby dismissed without prejudice.

IT IS SO ORDERED.

Dated this 20th day of February, 2009, in Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge