

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

MARCUS A. MALEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 12-2562-JAR
)	
STATE OF KANSAS,)	
)	
Defendant.)	
)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Fourteen days having passed, and no written objections being filed to the proposed findings and recommendations filed by Magistrate Judge James P. O’Hara, 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.¹

IT IS THEREFORE ORDERED that this case is dismissed under 28 U.S.C. § 1915(e) with prejudice in accordance with the September 4, 2012 Report and Recommendation (Doc. 6).

IT IS SO ORDERED.

Dated: October 3, 2012

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

¹Plaintiff received the Report and Recommendation on September 6, 2012 (Doc. 17). On September 10, 2012, Plaintiff prematurely filed Notice of Appeal with the Tenth Circuit Court of Appeals. The appeal was dismissed on October 3, 2012 for lack of prosecution.