

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

JOAN E. FARR,

Plaintiff,

v.

DARYL DAVIS, et al.,

Defendants.

Case No. 16-2180-CM

MEMORANDUM AND ORDER

Plaintiff Joan E. Farr brings this action pro se, claiming defendants Daryl Davis, Dennis Moon, DeAnn Coote, John Patrick Hall, and Huckleberry Homeowners Association (“HOA”) violated her constitutional rights under 42 U.S.C. § 1983. Plaintiff claims that defendants conspired to deprive her of her rights by stealing her property and influencing the police to harass plaintiff. The case is currently before the court on several motions. This Memorandum and Order addresses Plaintiff’s Motion to Reconsider Violations of 18 U.S.C. § 242 (Doc. 81) and Defendants’ Motion to Dismiss Certain Claims in Plaintiff’s Complaint and for Other Relief (Doc. 84).

The two motions are related. Plaintiff asks the court to reconsider its decision to deny her motion to amend her complaint to add a claim for violation of 18 U.S.C. § 242. Plaintiff argues that reconsideration is appropriate because plaintiff already included a claim under 18 U.S.C. § 242 in her original complaint. Defendant responds that plaintiff is correct; her original complaint arguably includes a claim under §242. But, defendant argues, the claim is still subject to dismissal for the same reasons the court denied plaintiff’s request to add such a claim.

Plaintiff’s original complaint does mention § 242. This fact, however, does not alter the reason the court gave for denying leave to amend: 18 U.S.C. § 242 is a criminal statute that provides no

private right of action. *See Perkins v. Univ. of Kansas Med. Ctr.*, No. 13-2530-JTM, 2014 WL 1356042, at *4 (D. Kan. Apr. 7, 2014) (citing *Figueroa v. Clark*, 810 F. Supp. 613, 615 (E.D. Pa. 1992) (holding there is no private cause of action for alleged violations of 18 U.S.C. § 241 and 18 U.S.C. § 242)). The court therefore grants defendant's motion to dismiss and denies plaintiff's motion for reconsideration as moot.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Reconsider Violations of 18 U.S.C. § 242 (Doc. 81) is denied as moot.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Certain Claims in Plaintiff's Complaint and for Other Relief (Doc. 84) is granted. The court dismisses plaintiff's claim under 18 U.S.C. § 242.

Dated this 26th day of July, 2017, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge