

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

MICHAEL R. SIMMONS,

Plaintiff,

v.

**KANSAS DEPARTMENT OF REVENUE, AND
EQUIP-BID AUCTIONS,**

Defendants.

Case No. 16-2823-JAR-GLR

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Gerald L. Rushfelt's Report and Recommendation filed on February 6, 2017 (Doc. 7). Fourteen days having passed, and no written objections being filed to the proposed findings and recommendations filed by Judge Rushfelt, 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.

IT IS THEREFORE ORDERED BY THE COURT that that in accordance with the February 6, 2017 Report and Recommendation (Doc. 7), this case is **dismissed without prejudice** for lack of jurisdiction, and alternatively, for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED.

Dated: February 27, 2017

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