

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

RONALD SATISH EMRIT,)
))
Plaintiff,)
))
v.)
))
KRIS KOBACH, SECRETARY OF STATE)
OF KANSAS, et al.,)
))
Defendants.)
_____)

Case No. 17-2593-CM

MEMORANDUM AND ORDER

Plaintiff Ronald Satish Emrit brings this action pro se, claiming violations of the Equal Protection and Due Process Clauses, as well as Title VII of the Civil Rights Act of 1964. Plaintiff’s claims center around his alleged exclusion from the primary and general election ballots in 2016. The court granted plaintiff leave to proceed in forma pauperis, and Magistrate Judge Gerald L. Rushfelt screened the case pursuant to 28 U.S.C. § 1915(e)(2). Judge Rushfelt then issued a Report and Recommendation (Doc. 8), recommending that this court dismiss plaintiff’s action for failure to state a claim upon which relief may be granted. Judge Rushfelt thoroughly examined all of plaintiff’s submitted complaints (an original complaint, plus two amended complaints) and found that none of the complaints state a plausible case or controversy.

Plaintiff failed to timely object to the Report and Recommendation. Judge Rushfelt advised plaintiff that when a party fails to file objections within fourteen days of a Report and Recommendation, no appellate review is allowed. Plaintiff filed a Notice of Appeal (Doc. 10), but the Tenth Circuit dismissed the appeal for lack of jurisdiction (Doc. 13).

The court has reviewed Judge Rushfelt's Report and Recommendation and the complaints, and agrees that plaintiff has not stated a plausible case or controversy. Regardless of the standard of review applied to Judge Rushfelt's Report and Recommendation, the court would reach the same conclusion. *See Summers v. State of Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("[T]he district court is accorded considerable discretion with respect to the treatment of unchallenged magistrate reports. In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate."). The court ADOPTS the Report and Recommendation (Doc. 8) in full, and dismisses this case for failure to state a claim.

IT IS THEREFORE ORDERED that the Report and Recommendation of Judge Rushfelt (Doc. 8) is adopted in full. The case is dismissed.

Dated this 13th day of February, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge