

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROBIN DEAN MURPHY,

Plaintiff,

vs.

Case No. 17-4066-SAC

JACKIE DUANE CORWIN, et al.,

Defendants.

O R D E R

This case is before the court upon the report and recommendation of United States Magistrate Judge Sebelius. Doc. No. 4. The report and recommendation, which was filed on July 31, 2017, concludes after a review of plaintiff's complaint and attached materials that the case should be dismissed for lack of subject matter jurisdiction and that plaintiff's motion to proceed in forma pauperis be denied as moot.

Under the provisions of FED.R.CIV.P. 72(b)(2), plaintiff has 14 days after being served with a copy of the report and recommendation to serve and file specific written objections. The record reflects that plaintiff was served with a copy of the report and recommendation no later than August 7, 2017. Plaintiff has failed to timely object to the report and recommendation. Upon review, the court agrees with Judge Sebelius that plaintiff has not alleged facts demonstrating a

jurisdictional basis to hear his claims against the named defendants in federal court. Therefore, the report and recommendation is adopted in full and the court directs that this case be dismissed without prejudice for lack of subject matter jurisdiction and that plaintiff's motion to proceed in forma pauperis be denied as moot.

IT IS SO ORDERED.

Dated this 28th day of August, 2017, at Topeka, Kansas.

s/Sam A. Crow

Sam A. Crow, U.S. District Senior Judge