

**In the United States District Court  
for the District of Kansas**

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Case No. 21-cv-3152-TC-TJJ

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PHILLIP PEMBERTON,

*Plaintiff*

v.

MELISSA WARDROP,

*Defendant*

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**ORDER ADOPTING REPORT & RECOMMENDATION**

Magistrate Judge Teresa J. James issued a Report and Recommendation finding that that Plaintiff has shown cause why his case should not be dismissed for lack of prosecution, and therefore recommends that the District Judge deny without prejudice Defendant's Motion to Dismiss for Failure to Make Discovery, Doc. 39. The R&R allowed any party 14 days after service to file any objections. Doc. 50 at 1.

The R&R was entered on November 1, 2022, and served on Defendant by electronic service that same day and by regular mail to *pro se* Plaintiff. *See* D. Kan. Rules 5.4.9 & 5.4.10. More than 14 days have passed without parties having filed any written objection. Therefore, pursuant to Fed. R. Civ. P. 72(b)(2), the Court finds that in the absence of objections to the R&R, it should be adopted.

IT IS THEREFORE ORDERED that the R&R be adopted and Defendant's motion to dismiss, Doc. 39, be denied without prejudice. The R&R (Doc. 50) is adopted as this Court's own order.

IT IS SO ORDERED.

Date: November 17, 2022.

s/ Toby Crouse  
Toby Crouse  
United States District Judge