

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LIN EDWARD MANDERSCHEID,
Plaintiff,

vs.

Case No. 08-1156-JTM

VAN RU CREDIT CORPORATION,
U.S. DEPARTMENT OF EDUCATION,
Defendants.

MEMORANDUM AND ORDER

The United States Magistrate Judge has provisionally granted plaintiff Lin Edward Manderscheid's request for *in forma pauperis* status. (Dkt. No. 8). However, by the same Order, the Magistrate Judge also recommended that Manderscheid's claims – that his prior student loans should be deemed invalid or, even if valid, should be forgiven– were frivolous and should be dismissed. Specifically, the Magistrate Judge found that Manderscheid's conclusory claims of fraud on the part of Van Ru Credit and the United States Department of Education failed to meet the standards for a well-pled Complaint. *Id.* at 6. He further found that the request for forgiveness of the loans, based on nothing more than a generic citation to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq., was also without any merit. *Id.* at 7.

The Court has reviewed the Report and Recommendation and finds itself in complete agreement with the conclusions therein. Further, the Court notes that Manderscheid has made no

response to the Report and Recommendation. Accordingly, for the reasons stated by the Magistrate Judge, the present action is hereby dismissed.

IT IS SO ORDERED this 15th day of December, 2008 that the present action is hereby dismissed as frivolous and for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §1915(e).

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE