

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

|                   |   |                      |
|-------------------|---|----------------------|
| EDDIE LEE WARD,   | ) |                      |
|                   | ) |                      |
| <i>Plaintiff,</i> | ) |                      |
|                   | ) |                      |
| v.                | ) | Case No. 14-1252-EFM |
|                   | ) |                      |
| KETCH,            | ) |                      |
|                   | ) |                      |
| <i>Defendant.</i> | ) |                      |

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**MEMORANDUM AND ORDER**

Plaintiff Eddie Lee Ward filed this Complaint *pro se* on August 11, 2014, against KETCH. In completing the civil complaint form, under “jurisdiction” he completed the first question of the diversity section, noting that he is a citizen of Kansas, but did not complete the rest of that section. Under the “grounds other than diversity” section, a very brief stray mark appears in the box for 28 U.S.C. § 1343, but it is not clear that he meant to mark that section. For his statement of claim on that form, he stated “Defendant would not allow me to visit my mother Thanksgiving 2013 or Christmas 2013 (sic).”

Plaintiff also filed a motion to appoint counsel and a motion for leave to proceed in forma pauperis. United States Magistrate Judge Kenneth Gale issued an Order granting Plaintiff’s in forma pauperis motion, denying his motion to appoint counsel, and issuing a Report and Recommendation (R & R) that the Complaint be dismissed for lack of jurisdiction. The R & R noted that diversity of citizenship was lacking, as Plaintiff is a Kansas citizen, and defendant, although its state of incorporation was not shown, was located in Wichita, Kansas and was formed with the stated purpose of helping disabled Kansans. Further, the R & R noted that the

allegations contained in the Complaint, denial of visits with his mother, do not raise a federal question.

Plaintiff filed a timely response which is treated as both a motion for reconsideration of his motion to appoint counsel, and as Objections to the recommendation for dismissal. This document complains that he is unable to argue his case on his own, and argues that he should be allowed to see his mother. No response regarding jurisdiction was made.


The Court, having considered the R & R and the Plaintiff's response to it, finds that the R & R is well founded and that no sufficient reason has been shown which would prevent the Court from adopting it.

IT IS THEREFORE ORDERED that the Report and Recommendation (Doc. 6) is adopted by the Court, and the case is therefore dismissed.

IT IS FURTHER ORDERED that the Motion for Reconsideration of the Magistrate Judge's Order denying the Motion to Appoint Counsel (Doc. 8) is DENIED AS MOOT.

IT IS SO ORDERED.

Dated this 8th day of September, 2014.



ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE