

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

THOMAS BRIAN SMITH,

*Plaintiff,*

vs.

Case No. 14-1256-EFM

REX MICHAEL JENNINGS *et al.*,

*Defendants.*

**ORDER**

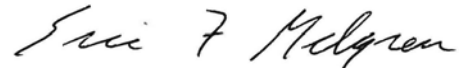
This matter is before the Court on Magistrate Judge Kenneth G. Gale's Report and Recommendation (Doc. 7) that the case be dismissed for lack of federal court jurisdiction.

Plaintiff was advised to serve and file written objections to the proposed recommendation within fourteen (14) days of being served a copy of the recommendation. The recommendation was mailed to Plaintiff on August 15, 2014, but due to the fact the Court had a wrong address, it was returned as undeliverable. On August 28, 2014, the Court was able to personally give Plaintiff a copy of the recommendation and allowed another 14 days for any objections to be filed. No objections having been filed, this Court accepts the recommended decision of the Magistrate Judge and adopts it as its own.

**IT IS THEREFORE ORDERED** that this Court is adopting the recommendation of the Magistrate Judge (Doc. 7) and this case is **DISMISSED** for lack of federal court jurisdiction.

**IT IS SO ORDERED.**

Dated this 16th day of September, 2014, in Wichita, Kansas.

A handwritten signature in cursive script that reads "Eric F. Melgren".

ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE