

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DEWAYNE ANTOINE ANDERSON

Plaintiff,

vs.

Case No. 16-1376-JTM

THOMAS BUSH, *et al.*,

Defendants.

MEMORANDUM AND ORDER

Pro se plaintiff Dewayne Antoine Anderson alleges that, following an automobile accident, he was subjected to an excessive use of force by the Wichita Police Department. His complaint names as defendants the Chief of the Department, one of its officers, and Thomas Bush, the driver of the other vehicle. Bush has moved to dismiss the action, arguing there is no plausible ground for advancing an excessive force claim against him. As an alternative to dismissal, Bush seeks summary judgment, submitting evidence that his insurance company separately settled with Anderson, who agreed to release “all claims ... based on the injuries and damages from this accident.” (Dkt. 20, ¶ 6).

Anderson has filed no response to the motion, and a copy of Bush’s motion sent by mail to the address listed in his complaint has been returned as undeliverable. (Dkt.

26). Accordingly, for good cause shown and pursuant to D.Kan.R. 7.4, the defendant's Motion to Dismiss (Dkt. 19) is hereby granted.

s/ J. Thomas Marten
Chief United States District Judge