

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

TERESA ANN OWEN,

Plaintiff,

v.

Case No. 17-1036-JTM-GEB

DISTRICT COURT OF SEDGWICK
COUNTY, 18th JUDICIAL DISTRICT, et al.,

Defendants.

**MEMORANDUM AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION**

This matter comes before the court on the Magistrate Judge's Report and Recommendation ("R&R"), filed June 9, 2017 (Dkt. 12), recommending that the court dismiss plaintiff's case for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(h)(3). The Magistrate Judge notified plaintiff of her ability to file objections and further instructed her that by failing to file objections within 14 days after being served the R&R, she waived appellate review of both factual and legal questions. *Id.* at 6. Plaintiff was served on June 27, 2017, and more than 14 days have passed.¹ To date, plaintiff has filed no objections.

The court has reviewed the R&R, and finds that the Magistrate Judge fully and accurately considered plaintiff's claims and governing legal authority. The court agrees that both the domestic relations exception and *Rooker-Feldman* doctrine deprive the court of jurisdiction to overturn the state court's child custody order. The court adopts

¹ Plaintiff's husband, David Owen, signed the certified mail receipt on June 27, 2017. (Dkt. 13).

the R&R and dismisses plaintiff's case for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3).

IT IS THEREFORE ORDERED this 27th day of July, 2017, that plaintiff's case is dismissed without prejudice.

s/ J. Thomas Marten
J. Thomas Marten, Judge