

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KRYSTAL M. MARSHALL, and
MILTON J. DAVISON,

Plaintiffs,

v.

Case No. 17-1090-JTM

NEW ENGLAND AUDIO, LLC, *et al.*,

Defendants.

MEMORANDUM AND ORDER

In prior rulings the court dismissed all of the claims asserted in the complaint by *pro se* plaintiff Krystal Marshall. (Dkts. 70, 82). Some of the claims were dismissed with prejudice and some were dismissed without prejudice. As to the latter claims, the court granted Marshall until December 28, 2017 to file an amended complaint curing the deficiencies. (Dkt. 70 at 14). No such amended complaint was filed.

Rule 54(b) of the Federal Rules of Civil Procedure provides that “[w]hen an action presents more than one claim for relief ... or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” Fed. R. Civ. P. 54(b). The court determines there is no just reason for delay of entry of final judgment reflecting dismissal of the claims asserted by plaintiff Krystal Marshall. The claims asserted by Ms. Marshall are based on an incident separate from the incident alleged by

plaintiff Milton Davison, and entry of judgment on Marshall's claims will have no effect on Mr. Davison's remaining claims.

IT IS THEREFORE ORDERED this 5th day of April, 2018, that the clerk is directed to enter judgment pursuant to Rule 54(b) reflecting that all of the claims asserted by plaintiff Krystal M. Marshall are hereby dismissed, and Ms. Marshall is hereby terminated as a party to the action.

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