

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GEORGE MILAM HALL,

Plaintiff,

Vs.

No. 07-4128-SAC

DOUGLAS P. WITTEMAN, et al,

Defendants.

MEMORANDUM AND ORDER

This case comes before the court on its review of the Magistrate Judge's report and recommendation regarding plaintiff's motion to join additional parties. The Magistrate Judge filed a report and recommendation on July 3, 2008, clearly stating the parties' right to file written objections to the proposed findings and recommendations within ten days. Dk. 119. Plaintiff has timely objected. Dk. 121.

Plaintiff makes the following objections to the report and recommendation: 1) its characterization of his case as primarily a state court defamation case; 2) its finding that Rule 19 is inapplicable; 3) its

interpretation of the “Faimon letter”¹ which led to the ruling that other proposed defendants could not be joined as parties; and 4) its failure to grant him sufficient leniency as a pro se litigant.

Having reviewed plaintiff’s complaint, plaintiff’s motion to join additional parties, the Magistrate Judge’s report and recommendation, and plaintiff’s objections to it, the Court accepts the report and recommendation and adopts it as the ruling of this court. Although no extensive analysis is necessary, the Court summarily notes the following in response to plaintiff’s objections: 1) the report and recommendation properly and repeatedly cites all nine of plaintiff’s causes of action, not just his state court defamation claim; see Dk. 119, pp. 1, 2, 4; 2) the ruling that Rule 20 and not Rule 19 applies is legally and factually correct, and the post-joinder effect is the same regardless of which rule is used to join a party; 3) the complaint fails to show a factual basis for joinder of Chris Faimon, Kathy Payne or Faimon Publications, L.L.C., regardless of any interpretation of the “Faimon letter”; and 4) the report and recommendation shows proper deference to plaintiff’s pro se status.

IT IS THEREFORE ORDERED that the report and recommendation

¹Dk. 121, Exh. A.

(Dk. 119) is accepted and adopted as the ruling of this court, and that the new parties be joined and served as instructed therein.

IT IS FURTHER ORDERED that plaintiff's motion for service on the new parties (Dk. 123) is denied as moot.

Dated this 30th day of July, 2008, Topeka, Kansas.

s/ Sam A. Crow _____
Sam A. Crow, U.S. District Senior Judge