

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

RODNEY F. JACKSON,

Plaintiff,

vs.

SCOTT GREEN, et al.

Defendant.

No. 11-CV-4101-DEO

ORDER

Before the Court and on file at Docket No. 10 is the Report and Recommendation ("R&R") issued by Chief United States Magistrate Judge Paul A. Zoss concerning Plaintiff's motion for change of venue (Docket No. 4). The R&R recommends that the pro se motion for change of venue be denied as moot.

I. FACTS

This matter was removed by Defendants to this Court from the Iowa District Court for O'Brien County on November 10, 2011. On November 14, 2011, pro se Plaintiff Jackson filed a motion to change venue stating:

The plaintiff respectfully requests that such complaint is filed in this court, plaintiff asks if such case could be transferred to a different court due to plaintiff's conflict of interest in this O'Brien County Court.

(Docket No. 4).

On January 17, 2012, the matter came before U.S. Chief Magistrate Judge Zoss for hearing. Judge Zoss issued an R&R to this Court on the same date and established deadlines for filing objections.

II. ANALYSIS

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1).

Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district

judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

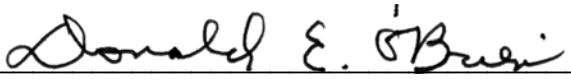
No objections to the R&R were filed; and it appears to this Court, upon review of Chief Magistrate Judge Zoss's findings and conclusions, that there are no grounds to reject or modify them.

III. CONCLUSION

As mentioned, the R&R recommends the pending motion be denied as moot as this matter is now filed in federal court.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Chief Magistrate Judge Zoss's Report and Recommendation (Docket No. 10), and the motion for change of venue (Docket No. 4) is **denied as moot**.

IT IS SO ORDERED this 12th day of March, 2012.



Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa No