

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
07-CV-2609 (JMR/RLE)

Raphael Mendez )  
 )  
 v. ) ORDER  
 )  
 FMC-Rochester et al. )

Plaintiff objects to the Report and Recommendation, issued June 12, 2007, by the Honorable Raymond L. Erickson, United States Magistrate Judge. Plaintiff's objections to the Report were timely filed pursuant to Local Rule 72.1(c)(2).

Based upon a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation [Docket No. 3]. Accordingly, IT IS ORDERED that:

1. Plaintiff's complaint is dismissed for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(h)(3).
2. Plaintiff's application to proceed in forma pauperis [Docket No. 2] is denied as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 10th, 2007

s/ James M. Rosenbaum  
JAMES M. ROSENBAUM  
United States Chief District Judge