

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

LUCIUS R. ALLEN,

08CV6366 (JNE/JSM)

Plaintiff,

v.

ORDERKAREN JUSSILA,  
et al.,

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated February 12, 2010. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED that:**

1. Defendant Karen Jussila's Motion to Dismiss, Alternatively for Summary Judgment [Docket No. 21] be GRANTED; and
2. Plaintiff's Complaint with regard to Defendant Karen Jussila be DISMISSED WITH PREJUDICE; and
3. Plaintiff's Motion for Default Judgment Against Judy Ellerbusch for Failure to File an Answer to Plaintiff's Complaint and, for Entry of Default [Docket No. 75] be DENIED.

4. Defendant Judy Ellerbusch be DISMISSED from the suit WITHOUT PREJUDICE.

Dated: March 2, 2010.

s/Joan N. Erickson  
JOAN N. ERICKSEN  
United States District Judge