

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael E. Sawyer,

Civil No. 09-55 JNE/AJB

Plaintiff,

v.

ORDER

Warden M. Cruz, et al.,

Defendants.

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated April 20, 2010, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that plaintiff Michael Sawyer's Consolidated and (Amended) Complaint [Docket No. 20] is **dismissed** without prejudice and that the defendants' Motion to Dismiss is **denied as moot** [Docket No. 25].

Dated: 5-12-2010

s/ Joan N. Ericksen

Joan N. Ericksen

United States District Court Judge