## UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

## MICHAEL P. HENDERSON,

Case No. 09-CV-0217 (PJS/RLE)

ORDER ADOPTING REPORT AND

RECOMMENDATION

Plaintiff,

v.

ALLEN MARXHAUSEN, JAN KOLB, and MILLE LACS COUNTY,

## Defendants.

Michael P. Henderson, pro se.

This matter is before the Court on plaintiff's objection to the Report and

Recommendation ("R&R") of Chief Magistrate Judge Raymond L. Erickson. Judge Erickson

recommends dismissing this action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court has

conducted a de novo review. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Based on that review, the Court OVERRULES plaintiff's objection [Docket No. 4] and

ADOPTS the R&R [Docket No. 3]. IT IS HEREBY ORDERED that:

- This action is summarily DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
- Plaintiff's motion for leave to proceed *in forma pauperis* [Docket No. 2] is DENIED.

## LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 20, 2009

<u>s/Patrick J. Schiltz</u> Patrick J. Schiltz United States District Judge