

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony Germaine Roach,

Civil No. 10-910 (DWF/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Sterns County,¹

Defendant.

Anthony Germaine Roach, *Pro Se*, Plaintiff.

Based upon the Report and Recommendation of Chief United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter,

IT IS HEREBY ORDERED:

1. That the Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. No. [2]) is **DENIED AS MOOT**.

2. That this action is summarily **DISMISSED** pursuant to Title 28 U.S.C. §1915(e)(2)(B)(ii).

3. That the Plaintiff is relieved from paying the filing fee that would otherwise be due from him.

¹ We employ the spelling used by the Plaintiff although, undoubtedly, he intended to name Stearns County, Minnesota, as the Defendant.

4. That, irrespective of summary dismissal, the action not be counted as a “strike” for purposes of Title 28 U.S.C. §1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 28, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge