

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

William H. Otis,

Plaintiff,

v.

Civil No. 10-2155 (JNE/JJK)  
ORDER

Harold A. Berge, Rose M. Berge, Cindy  
Lou Berge, Phillip R. Burkholder, Steven  
Corson d/b/a Corson Law Office, and  
Others,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeffrey J. Keyes, United States Magistrate Judge, on November 15, 2010. The magistrate judge recommended granting Defendants Harold A. Berge, Rose M. Berge, and Cindy Lou Berge's motion to dismiss and Defendant Steven Corson's motion to dismiss. Plaintiff contests, in his objections and a subsequent filing of December 20, 2010, the authority of the magistrate judge to issue a report and recommendation without Plaintiff's consent. Plaintiff confuses the consent requirement for referrals to a magistrate judge to make binding adjudications under 28 U.S.C. § 636(c) (2006) with the magistrate judge's authority to make recommendations. The magistrate judge does not need Plaintiff's consent to enter a recommended disposition of dispositive motions. *See* Fed. R. Civ. P. 72(b)(1). The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, which included a review of the prior history of this litigation, the Court adopts the Report and Recommendation [Docket No. 46]. Therefore, IT IS ORDERED THAT:

1. Defendants' motions to dismiss [Docket Nos. 10 and 39] are GRANTED.

Dated: December 23, 2010

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