

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Theron Washington,

Civil No. 10-3397 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Albert Pike Lodge, Lieutenant
Rendilmon, Marty Zavinovski
Jarkoski, Kristen Rae
Letsillier,

Defendants.

Theron Washington, 1005501 Anoka County Jail, 325 East Jackson Street,
Anoka, MN 55303, pro se plaintiff.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel, dated August 23, 2010 [Docket No. 3]. 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. This action is dismissed pursuant to Fed.R.Civ.P. 12(h)(3), for lack of subject matter jurisdiction;

2. Plaintiff's application to proceed *in forma pauperis* [Docket No. 2] is

DENIED; and

3. Plaintiff is required to pay the unpaid balance of the statutory filing fee, namely the full \$350.00, in accordance with 28 U.S.C. Section 1915(b)(2).

Dated: September 15, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge