

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

William Birdnecklace,

Civil No. 10-4130 (RHK/JSM)

Plaintiff,

ORDER

v.

Sophia Thompson,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated October 20, 2010. 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, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. 3) is **ADOPTED**;
2. Plaintiff's "Application to Proceed Without Prepayment of Fees and Affidavit," (Doc. No. 2) is **DENIED**; and
3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 16, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge