

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Nicholas Stroeder,

Civil No. 10-4415 (PAM/JJK)

Plaintiff,

v.

**ORDER**

Joan Fabian, Bruce Rieser, Sandra  
O'Hara, Katie Mack, Mike Kunzie, and  
Mary Martin,

Defendants.

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This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeffrey J. Keyes dated December 7, 2010. In the R&R, Magistrate Judge Keyes reviewed Plaintiff’s “Complaint for Violation of Civil Rights under 42 U.S.C. § 1983” (Docket No. 1), Motion for Leave to Proceed in forma pauperis (Docket No. 2), and Motion to Appoint Counsel (Docket No. 4) pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1. The Magistrate Judge’s review satisfies this Court’s initial screening function under 28 U.S.C. § 1915A. Plaintiff has failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 5).

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Report and Recommendation (Docket No. 5) is **ADOPTED**;
2. Plaintiff’s Motion for Leave to Proceed in forma pauperis (Docket No. 2) is **DENIED**;

2. Plaintiff's Motion to Appoint Counsel (Docket No. 4) is **DENIED**;
3. This action is summarily **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
4. Plaintiff is required to pay the unpaid balance of the filing fee, namely the full \$350.00, in accordance with 28 U.S.C. § 1915(b)(2); and
5. The dismissal of this action is counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: Thursday, December 30, 2010

*s/ Paul A. Magnuson* \_\_\_\_\_  
Paul A. Magnuson  
United States District Court Judge