

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LeRoy Smithrud,

Plaintiff,

v.

Civil No. 10-4451 (JNE/JSM)
ORDERCity of Minneapolis, and
John and Jane Does 1-10,

Defendants.

In a Report and Recommendation dated May 25, 2011, the Honorable Janie S. Mayeron, United States Magistrate Judge, recommended that Defendant City of Minneapolis's motion to dismiss be granted and that this case be dismissed. Plaintiff objected to the Report and Recommendation and the City responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 32]. Therefore, IT IS ORDERED THAT:

1. The City's motion to dismiss [Docket No. 3] is GRANTED.
2. This action is dismissed, including all claims asserted against John and Jane Does, for lack of subject matter jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 11, 2011

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