

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

THE REINFORCED EARTH
COMPANY, INC.,

Civil No. 11-0260 (JRT/LIB)

Plaintiff,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

v.

TARRAF CONSTRUCTION, INC. *et al.*,

Defendants,

Anthony Smith, **HELLMUTH & JOHNSON PLLC**, 8050 West 78th Street,
Edina, MN 55439, for plaintiff.

Curtis Smith, **MOSS & BARNETT, PA**, 90 South Seventh Street, Suite 4800,
Minneapolis, MN 55402, for Defendants Tarraf Construction, Inc. and Granite
RE, Inc.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated September 6, 2011 [Docket No. 13]. 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 this action be **DISMISSED WITHOUT PREJUDICE** as against TMS Construction, Inc. and Todd M. Schmidt for failure to comply with the Court's Order of July 29, 2011, and for lack of prosecution.

DATED: October 4, 2011
at Minneapolis, Minnesota

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