

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sean Lee Ellis,

Civil No. 11-1906 (RHK/LIB)

Plaintiff,

ORDER

vs.

Elizabeth Hughes, et al.,

Defendants.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
2. Plaintiff's Application to Proceed Without Prepayment of Fees (Doc. No. 2) is **DENIED**;

and

3. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 22, 2011

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