

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony Moore,

Civil No. 11-2692 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

LeAnn K. Bertsch,

Defendant.

Anthony Moore, *Pro Se*, Plaintiff.

This matter is before the Court upon *pro se* Plaintiff Anthony Moore's ("Plaintiff") self-styled objections (Doc. No. 5) to Magistrate Judge Leo I. Brisbois's September 22, 2011 Report and Recommendation insofar as it recommends that: (1) Plaintiff's application for leave to proceed *in forma pauperis* be denied; (2) Plaintiff's motion for appointment of counsel be denied; and (3) this action be summarily dismissed without prejudice. (Doc. No. 4.)

The Court has conducted a *de novo* review of the record, including a review of Plaintiff's arguments and submissions, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

The Court has carefully reviewed the record and concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation. Plaintiff objects to the Magistrate Judge's conclusion that the action be dismissed for lack of personal jurisdiction over the sole named Defendant but offers no legal support for his objection. Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Anthony Moore's objections (Doc. No. [5]) to Magistrate Judge Leo I. Brisbois's September 22, 2011 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Leo I. Brisbois's September 22, 2011 Report and Recommendation (Doc. No. [4]), is **ADOPTED**.
3. Petitioner's petition for a writ of habeas corpus (Doc. No. [1]) is **DENIED**.
4. This action is **DISMISSED WITHOUT PREJUDICE**.
5. Petitioner is **NOT** granted a Certificate of Appealability.
6. Petitioner's Motions for Summary Judgment (Doc. Nos. [6] and [11] and Motion for Contempt (Doc. No. [9]) are **DISMISSED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 22, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge