

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Margareth Saint-Surin,

Civ. No. 11-3333 (ADM/JJK)

Plaintiff,

v.

ORDER

United States of America,

Defendant.

Margareth Saint-Surin, #50798-053, FCI, P.O. Box 1731, Waseca, MN 56093, *pro se*.

Lonnie F. Bryan, Esq., Assistant United States Attorneys, counsel for Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated October 22, 2012. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendant's Motion to Dismiss or for Summary Judgment (Doc. No. 15), is **GRANTED**;
2. Plaintiff's Motion Opposing Defendant's Motion to Dismiss or for Summary Judgment (Doc. No. 23), is **DENIED**; and
3. This case is **DISMISSED WITH PREJUDICE** for lack of subject-matter

jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: November 7, 2012

s/Ann D. Montgomery

ANN D. MONTGOMERY
United States District Judge