

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

John D. Westley,

Plaintiff,

v.

Civil No. 11-3704 (JNE/JSM)  
ORDER

James Robert Mann et al.,

Defendants.

In a Report and Recommendation dated November 26, 2012, the Honorable Janie S. Mayeron, United States Magistrate Judge, recommended that Defendant Wayne M. Pathman's Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(2) be granted and that Plaintiff's Response Extension Motion & Showing to Defendant Wayne M. Pathman's Motion to Dismiss Complaint be denied. On December 10, 2012, Plaintiff filed a motion to strike the November 26 Report and Recommendation, as well as a notice of hearing. The date listed in the notice was not obtained from the Court. It is stricken as invalid. The Court construes Plaintiff's motion to strike as an objection to the Report and Recommendation. 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. 124]. Therefore, IT IS ORDERED THAT:

1. Defendant Wayne M. Pathman's Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(2) [Docket No. 84] is GRANTED. The Complaint as to Pathman is DISMISSED WITHOUT PREJUDICE.
2. Plaintiff's Response Extension Motion & Showing to Defendant Wayne M. Pathman's Motion to Dismiss Complaint [Docket No. 96] is DENIED.
3. The hearing date in Plaintiff's notice [Docket No. 126] is STRICKEN.

Dated: December 18, 2012

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