

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GARY P. SCOTT,

Case No. 11-CV-3714 (NEB/DJF)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

GOVERNOR MARK DAYTON, et al.,

Defendants.

The Court has received the May 24, 2023 Report and Recommendation of United States Magistrate Judge Dulce J. Foster. (ECF No. 44.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 44) is ACCEPTED;
2. Defendants' Motion to Dismiss (ECF No. 32) is GRANTED;
3. Scott's Motion to Not Dismiss the Complaint (ECF No. 39) is DENIED; and
4. The above-captioned matter is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 26, 2023

BY THE COURT:

s/Nancy E. Brasel _____

Nancy E. Brasel

United States District Judge