

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Calvin I. Hill,

Civil No. 12-450 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Ray Mabus, Secretary of the Navy;
and W. Dean Pfeiffer, Executive Director
Board for Correction of Naval Records,

Defendants.

This matter is before the Court upon Plaintiff Calvin I. Hill's ("Plaintiff") objections (Doc. No. 47) to Magistrate Judge Steven E. Rau's November 18, 2013 Report and Recommendation (Doc. No. 46) insofar as it recommends that: (1) Defendants' Motion for Summary Judgment be granted; (2) Plaintiff's "Motion to allow my lawsuit to proceed and defendant's motion be denied" be denied; and (3) this action be dismissed. Defendants filed a response to Plaintiff's objections on December 27, 2013. (Doc. No. 52.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, 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. Having carefully reviewed the record, the Court

concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation.

Plaintiff appears to generally object to the Magistrate Judge's determination that the Board for Correction of Naval Records' denial of Plaintiff's request for reconsideration of his status was not arbitrary and capricious. (*See generally* Doc. No. 49.) The Court concludes, as did Magistrate Judge Rau, that Plaintiff has failed to demonstrate that the administrative decision at issue was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. *See* 5 U.S.C. § 706(2)(A). Consequently, the Court adopts the Report and Recommendation and enters judgment for Defendants.

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's objections (Doc. No. [47]) to Magistrate Judge Steven E. Rau's November 18, 2013 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Steven E. Rau's November 18, 2013 Report and Recommendation (Doc. No. [46]) is **ADOPTED**.
3. Defendants' Motion for Summary Judgment (Doc. No. [36]) is **GRANTED**.

4. Plaintiff's "Motion to allow my lawsuit to proceed and defendant's motion be denied" (Doc. No. [39]) is **DENIED**.

5. Plaintiff's Complaint (Doc. No. [1]) is **DISMISSED WITH PREJUDICE**.

6. Plaintiff's petition "that Defendant failed to observe court orders and have defaulted on his case" (Doc. No. [48]) is **DENIED AS MOOT**.

7. Plaintiff's "Motion that my suit be allowed a jury trial and the Navy's suit be denied" (Doc. No. [54]) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 7, 2014

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