

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BRIAN MCGURTY,

Civil No. 12-0892 (JRT/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

STEVEN HIEBERT, JOHN DOE, MR.
LANGER, MR. GREY, CITY OF
MAPLEWOOD, RYAN M. ZIPF, AND
JOHN B. VAN DE NORTH, JR.,

Defendants.

Brian McGurty, Post Office Box 130593, Roseville, MN 55113, pro se plaintiff.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated May 24, 2012 [Docket No. 5]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. McGurty's application for leave to proceed *in forma pauperis*, [Docket No. 2] be **DENIED**; and

2. This action be **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 13, 2012
at Minneapolis, Minnesota

s/John R. Tunheim

JOHN R. TUNHEIM
United States District Judge