

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GARY JAMES,

Civil No.12-CV-2002 (PJS/TNL)

Plaintiff,

v.

ORDER

DANIEL CHRISTAINSON,

Defendant.

Gary James, 1101 Linden Lane, Faribault, MN 55021.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated October 4, 2012 (Docket No. 4), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Plaintiff's application to proceed in forma pauperis, (Docket No. 2), is **DENIED**; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: 11/06/12

s/Patrick J. Schiltz
The Honorable Patrick J. Schiltz
United States District Court Judge
for the District of Minnesota