

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Roosevelt McClenton,

Civil No. 12cv02005 JNE/JJK

Petitioner,

v.

ORDER

Jason Albright, et al.,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated December 3, 2012. 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, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

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.

Dated: January 9, 2013

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