

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Charles R. O'Neal,

Civil No. 12-2105 (RHK/JSM)

Plaintiff,

ORDER

v.

Dr. Stanley Quanbeck, et.al.,

Defendants.

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated January 4, 2013. No objections have been filed to that Report and Recommendation in the time period permitted.

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

1. The Report and Recommendation (Doc. No. 23) is **ADOPTED**;
2. Plaintiff's application for leave to proceed in forma pauperis (Doc. No. 2) is **DENIED**;
3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
4. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the sum of \$278.32, in accordance with 28 U.S.C. § 1915(b)(2); and
5. The dismissal of this action shall be counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 5, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Court