

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jeffrey Wayne Thibodeau,
a.k.a Kellethyn C. McHerne, III,

Plaintiff,

v.

Civil No. 13-130 (JNE/SER)
ORDER

MN DOC, Tom Roy, Joan Fabian,
Greg Simon, Connie Bush, Stu
VonWald, Rice County Community
Corrections, Jeffrey Peterson, Scott
Halvorson, Unknown Agents of
Rice County Comm. Corr., Molly
Bice, Monty Vikdal, Cecelia
Ferguson, Kristen Lang,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Steven E. Rau, United States Magistrate Judge, on January 25, 2013. The magistrate judge recommended that Plaintiff's application for leave to proceed *in forma pauperis* be denied, that the action be summarily dismissed pursuant to 28 U.S.C. § 1915A(b)(1), that Plaintiff be required to pay the unpaid balance of the court filing fee in accordance with 28 U.S.C. § 1915(b)(2), and that the dismissal of this action be counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g). No objections were filed to the Report and Recommendation. The Court has conducted a *de novo* review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's application for leave to proceed *in forma pauperis* [Docket No. 2] is DENIED;
2. This action is DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1);
3. Plaintiff pay the unpaid balance of the court filing fee, namely the full \$350, in accordance with 28 U.S.C. § 1915(b)(2);

4. The dismissal of this action is a “strike” against Plaintiff for the purposes of 28 U.S.C. § 1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 5, 2013

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