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## UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Elsie M. Mayard,

Civil No. 13-661 (DWF/JJK)

Plaintiff,

v.

ORDER ADOPTING REPORT AND RECOMMENDATION

Anthony Tallarico; Carlos Wong; Daniel Freiermuth; Chad Slagter; Thoms Quinlan; John Harrington; State of Minnesota; Does 1 through 10, individually and in their official capacity; and City of St. Paul,

Defendants.

This matter is before the Court upon Plaintiff Elsie M. Mayard's ("Plaintiff") pro se objections to Magistrate Judge Jeffrey J. Keyes's May 16, 2013 Report and Recommendation insofar as it recommends that Plaintiff's application for leave to proceed *in forma pauperis* be denied and this action be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

## **ORDER**

- 1. Plaintiff Elsie M. Mayard's objections (Doc. No. [6]) to Magistrate Judge Jeffrey J. Keyes's May 16, 2013 Report and Recommendation are **OVERRULED**.
- 2. Magistrate Judge Jeffrey J. Keyes's May 16, 2013 Report and Recommendation (Doc. No. [5]) is **ADOPTED**.
- 3. Plaintiff's application for leave to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.
- 4. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

## LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 7, 2013 <u>s/Donovan W. Frank</u>

DONOVAN W. FRANK United States District Judge