

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Demarco Hughes,

Civil No. 13-1319 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Georgina M. Goynes,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated April 29, 2015. (Doc. No. 46.)

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference.

No objections have been filed to that Report and Recommendation in the time period permitted, which required objections by May 13, 2015. However, on May 29, 2015, Plaintiff filed a "Reply to Report and Recommendation," which appears to provide evidence supporting Plaintiff's claims for damages (Doc. No. 47.), as requested in the Report and Recommendation (Doc. No. 46 at 10.)

The Court acknowledges receipt of Plaintiff's Reply and having fully considered Magistrate Judge Keyes's Report and Recommendation, as well as the Reply, adopts the Report and Recommendation in full. The Report and Recommendation recommended that Plaintiff be given 30 days from the date of *this* Order to provide evidence supporting his claims that he owned the items of personal property listed in the attachment to his

Consolidated Amended Complaint (Doc. No. 40-1), and evidence supporting those items' monetary value. Plaintiff may now also submit additional items that show ownership and value within 30 days from the date of this order. The Court notes that Plaintiff's current Reply (Doc. No. 47) is likely insufficient to establish his ownership and the monetary value of the items he has listed as lost. The Court suggests that Plaintiff should submit additional evidence that may include, but is not limited to, receipts for work performed on the vehicles, vehicle titles, vehicle registration statements, etc. Further, the Court again cautions Plaintiff that self-serving affidavits authored by Plaintiff and his family may also be insufficient in this regard.

Thus, based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Jeffrey J. Keyes's April 29, 2015 Report and Recommendation (Doc. No. [46]) is **ADOPTED**.
2. Plaintiff Demarco Hughes is entitled to a default judgment against Defendant Georgina M. Goynes on Plaintiff's claims that Defendant wrongfully deprived him of his personal property.
3. Plaintiff's motion for summary judgment (Doc. No. [45]) is **DENIED AS MOOT**.

4. Plaintiff must submit evidence supporting his claims that he owned the items of personal property listed in the attachment to his Consolidated Amended Complaint (Doc. No. 40-1), and evidence supporting those items' monetary value, within **30 days of this Order** Adopting the Report and Recommendation, so that the Court can evaluate Plaintiff's damages, if any. Any evidence submitted must reflect the Court's instructions above.

Dated: July 2, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge