

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

DUWAYNE WM OTTO

CIVIL NO. 13-3428 (SRN/JSM)

Plaintiff,

v.

ORDERMINNESOTA DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated February 7, 2014 [Doc. No. 4]. 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, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis, [Doc. No. 2], is **DENIED AS MOOT**; and

2. This action is **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 25, 2014

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge