

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 14-3160 (DSD/TNL)

Tony Currie,

Petitioner,

v.

**ORDER**

Warden Brian Jett,  
Dr. M. Nelson,

Respondents.

This matter is before the court upon the report and recommendation of Magistrate Judge Tony N. Leung dated March 25, 2015. The magistrate judge recommended that the court dismiss Currie's case without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii). Rather than object to the report and recommendation, Currie filed a motion to dismiss seeking the same relief recommended by the magistrate judge. Under these circumstances, the court finds it appropriate adopt the report and recommendation and deny the motion to dismiss as moot.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The magistrate judge's report and recommendation [ECF No. 8] is adopted in its entirety;
2. The action is dismissed without prejudice;
3. The application to proceed in district court without prepaying fees or costs [ECF No. 2] is denied as moot; and

4. The motion to dismiss [ECF No. 9] is denied as moot.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: April 30, 2015

s/David S. Doty \_\_\_\_\_  
David S. Doty, Judge  
United States District Court