

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Larry R. Propotnik,

Civil No. 14-3799 (PJS/JJK)

Petitioner,

v.

ORDER

Minn. Dept. of Corrections; Tom Roy,
Commissioner, MCF-RC; and Warden Steve
Hammer;

Respondents.

Larry R. Propotnik, 104328, MN Correctional Facility, MCF – RC 7600 525th Street, Rush City,
MN 55069, Petitioner, *pro se*.

Matthew Frank, Esq., and James B. Early, Esq., Minnesota Attorney General's Office, 445
Minnesota St., Ste 1800, St Paul, MN 55101, counsel for Respondents.

The above matter comes before the Court upon the Report and Recommendation of
United States Magistrate Judge Jeffrey J. Keyes dated October 1, 2014. No objections have
been filed to that Report and Recommendation in the time period permitted. Based on the
Report and Recommendation of the Magistrate Judge, on all of the files, records, and
proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's Eighth Amendment claims in Ground Two of the Petition be
DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction.

Date: 10/27/14

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge