

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 15-2594 (DSD/TNL)

Thomas James Fox,

Plaintiff,

v.

**ORDER**

Thomas Roy, Commissioner,  
Penny Malecha, Director,  
Harold W. Clarke, Director,  
Agent Drew Evans, Special  
Agent Gary Swanson, and  
Investigator Barry Smith,

Defendants.

Thomas James Fox, #1541090, Wallens Ridge State Prison, P.O.  
Box 759, Big Stone, VA 24219, pro se plaintiff.

This matter is before the court upon the objections by pro se plaintiff Thomas James Fox to the August 20, 2015, report and recommendation of Magistrate Judge Tony N. Leung (R&R). The magistrate judge recommended that the court dismiss Fox's case without prejudice for failure to prosecute. Fox submitted objections that are not directly responsive to the R&R.

The court reviews the R&R de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). After a thorough review of the file and record, the court finds that the R&R is well-reasoned and correct.

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

1. The objections to the R&R [ECF No. 9] are overruled;
2. The R&R [ECF No. 8] is adopted in its entirety;

3. The action is dismissed without prejudice for failure to prosecute;

4. The application to proceed in forma pauperis [ECF No. 2] is denied as moot; and

5. The motion to transfer [ECF No. 3] is denied as moot.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 9, 2015

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