Fox v. Roy et al Doc. 52

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 Gap, VA 24219, plaintiff pro se

Kathryn Iverson Landrum, Assistant Attorney General, Minnesota Attorney General's Office, 445 Minnesota Street, Suite 1100, St. Paul, MN 55101-2128, counsel for defendants Agent Drew Evans and Special Agent Gary Swanson

Ryan M. Zipf, League of Minnesota Cities, 145 University Avenue W., St. Paul, MN 55103, counsel for Defendant Investigator Barry Smith

This matter is before the court upon the report and recommendation of Magistrate Judge Tony N. Leung dated December 22, 2016. The magistrate judge recommended that the court grant defendants' motions to dismiss. Petitioner has not filed an objection to the R&R in the time period permitted.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The magistrate judge's report and recommendation [ECF No.
- 51] is adopted in its entirety;

Defendants Evans' and Swanson's motion to dismiss [ECF
 No. 24] is granted;

3. Defendant Smith's motion to dismiss [ECF No. 32] is granted;

4. Plaintiff's motion to amend complaint [ECF No. 46] is denied; and

5. The complaint [ECF No. 1] is dismissed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 24, 2017

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