

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Apollyon Kennedy-Bey,

Civil No. 15-2627 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Metropolitan Council, Emmanuel Martinez Cruz,  
Matthew Brake John Steele and Timothy Asp,  
each in his official capacity as a Metro Transit  
Police Officer,

Defendants.

This matter is before the Court upon Plaintiff Apollyon Kennedy-Bey's objections (Doc. Nos. 101 & 105) to Magistrate Judge Leo I. Brisbois's December 6, 2016 Report and Recommendation (Doc. No. 100) insofar as it recommends that: (1) Defendants' Motion for Summary Judgment be granted; and (2) Plaintiff's Complaint be dismissed with prejudice. In addition, Magistrate Judge Brisbois struck and denied numerous documents that were erroneously and untimely filed.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

The Court agrees with the Magistrate Judge and concludes that Plaintiff's objections offer no basis for a departure from the Magistrate Judge's recommendations. Thus, based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Plaintiff Apollyon Kennedy-Bey's objections (Doc. Nos. [101 & 105]) to Magistrate Judge Leo I. Brisbois's December 6, 2016 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Leo I. Brisbois's December 6, 2016 Report and Recommendation (Doc. No. [100]) is **ADOPTED**.

3. Defendants' Motion for Summary Judgment (Doc. No. [56]) is **GRANTED**.

4. Plaintiff's Complaint (Doc. No. [1]) is **DISMISSED WITH PREJUDICE**.  
**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 19, 2017

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge