

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEVI BRAZIEL, JR.,

Case No. 15-CV-3448 (PJS/SER)

Plaintiff,

v.

ORDER

TOM ROY, MN DOC Commissioner;
BECKY DOOLEY, Warden; KRIS RISH,
A/W Administration; RAENEE
BENNETT, LT; EDWARD STONE,
Chaplain; CHAD PARKER, Captain;
BRUCE REISER, Assistant
Commissioner; JASON BAHL,
Correctional Officer; BRIAN ERICKSON,
Food Service supervisor; CINDY ZETAH;
SANDRA GENTRY, Food Service,

Defendants.

Levi Braziel, Jr., pro se.

Rachel E. Bell, MINNESOTA ATTORNEY GENERAL'S OFFICE, for defendants.

This matter is before the Court on the objection of plaintiff Levi Braziel, Jr. to the December 19, 2016 Report and Recommendation ("R&R") of Magistrate Judge Steven E. Rau. Judge Rau recommends granting in part and denying in part Braziel's motion to amend his complaint, denying defendants' motions to dismiss as moot, and dismissing all claims against defendant Tom Roy. Having conducted a de novo review, *see* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), the Court agrees with Judge Rau's analysis and

recommendations. Accordingly, the Court overrules Braziel's objection and adopts the R&R.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES plaintiff's objection [ECF No. 55] and ADOPTS the R&R [ECF No. 54]. IT IS HEREBY ORDERED THAT:

1. Defendants' motions to dismiss [ECF Nos. 34, 45] are DENIED AS MOOT.
2. All claims against defendant Tom Roy are DISMISSED WITHOUT PREJUDICE.
3. Plaintiff's motion to amend complaint [ECF No. 43] is GRANTED IN PART and DENIED IN PART. As detailed in the R&R, plaintiff's only remaining claims are for violations of the First Amendment against defendants in their individual capacities for money damages.
4. The Clerk's Office is directed to file the proposed second amended complaint [ECF No. 43-1] as the second amended complaint.

Dated: January 9, 2017

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge