

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JUSTIN MUELLER, *formerly known as*
Justin Oman, LARRY BLACK, CRAIG
BOLTE, JOSHUA MERTZ, and THOMAS
KITTRELL,

Plaintiffs,

v.

Case No. 16-CV-277 (JNE/TNL)

ORDER

CHAD MESOJEDEC, *Rehab Therapies*
Director, NICHOLAS LAMMI, *Rehab*
Therapist, CHRISTINE SELL, *Rehab*
Therapist, STEVE SAYOVITZ, *Security*
Program Manager, SANDRA BRYANT,
Volunteer Services Coordinator, MANDY
TORGERSON, *Special Services Supervisor*,
KEVIN MOSER, *Program Facility*
Director, and PETER PUFFER, *Clinical*
Site Director,

Defendants.

This matter is before the Court on a Report and Recommendation (“R&R”) issued by the Honorable Tony N. Leung, United States Magistrate Judge, on January 6, 2017. (Dkt. No. 27.) The R&R recommends dismissing this action because sovereign and qualified immunity bars certain claims, and Plaintiffs failed to state the remaining claims. (*See id.*) Plaintiffs objected to the R&R’s analysis with respect to each claim. (*See* Dkt. No. 28.) Defendants responded in support of the R&R’s recommended disposition. (*See* Dkt. No. 29.) The Court conducted a de novo review of the record. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b)(3). After reviewing the R&R, the parties’ arguments, and the record, the Court agrees with the R&R’s reasoning and recommended disposition.

[continued on next page]

Therefore, IT IS ORDERED THAT:

1. Plaintiffs' objections to the Report and Recommendation [Dkt. No. 28] are OVERRULED.
2. Defendants' Motion to Dismiss [Dkt. No. 16] is GRANTED.
3. This action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 27, 2017.

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge