

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Kenneth Steven Daywitt, and others  
similarly situated,

Case No. 16-cv-2541 (WMW/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Minnesota Department of Human Services,  
Minnesota Sex Offender Program, Emily  
Johnson Piper, Jannine Hebert, Peter  
Puffer, Jim Berg, Jerry Fjerkenstad, and  
Katherine Lockie, in their individual and  
official capacities,

Defendants.

---

This matter is before the Court on the June 6, 2017 Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois. (Dkt. 38.) No objections to the R&R were filed. In the absence of timely objections, the Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error and adopts the R&R.

**ORDER**

Based on the R&R and all the files, records and proceedings herein, **IT IS  
HEREBY ORDERED:**

1. The June 6, 2017 R&R, (Dkt. 38), is **ADOPTED**.

2. Defendants' motion to dismiss, (Dkt. 28), is **DENIED**.

Dated: August 8, 2017

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge