

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Leroy Hayes, Jr.,

Civil No. 16-2926 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

City of Saint Paul, Minnesota and  
JPMorgan Chase Bank, N.A.,

Defendant.

This matter is before the Court upon Plaintiff Leroy Hayes, Jr.'s ("Plaintiff") *pro se* objections (Doc. Nos. 51, 51 & 56) to Magistrate Judge Steven E. Rau's May 18, 2017 Report and Recommendation (Doc. No. 50) insofar as it recommends that: (1) JPMorgan Chase Bank, N.A.'s ("Chase") Motion to Dismiss be granted; (2) the City of Saint Paul, Minnesota's ("St. Paul") Motion for Summary Judgment be granted; (3) claims against Chase be dismissed without prejudice; (4) claims against St. Paul be dismissed with prejudice; and (5) this case be dismissed. Defendant St. Paul filed a response to Plaintiff's objections on June 8, 2017. (Doc. No. 53.) Defendant Chase filed a response to Plaintiff's objections on June 20, 2017. (Doc. No. 57.) Plaintiff filed a response on June 29, 2017. (Doc. No. 58.)

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. In the Report and Recommendation, Magistrate Judge Rau found

that Hayes has failed to state a claim for which relief can be granted with respect to Chase, and, viewing the record in the light most favorable to Hayes, there are no genuine issues of material fact and St. Paul is entitled to judgment as a matter of law. 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). Hayes has filed objections, but those objections do not point to evidence supporting the allegations against St. Paul or Chase. 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 Leroy Hayes Jr.'s objections (Doc. Nos. [51], [55], and [56]) to Magistrate Judge Steven E. Rau's May 18, 2017 Order and Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Steven E. Rau's May 18, 2017 Order and Report and Recommendation (Doc. No. [50]) is **ADOPTED**.

3. JPMorgan Chase Bank, N.A.'s Motion to Dismiss (Doc. No. [17]) is **GRANTED**;

4. City of Saint Paul, Minnesota's Motion for Summary Judgment (Doc. No. [25]) is **GRANTED**;

5. Claims against Chase are **DISMISSED WITHOUT PREJUDICE**.

6. Claims against St. Paul are **DISMISSED WITH PREJUDICE**.

7. This case is **DISMISSED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 4, 2017

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