

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 16-3797(DSD/SER)

Fredrick Dewayne Hines,  
Plaintiff,

v.

**ORDER**

Michelle Smith, Tammy Whereley,  
David Rhesuis, Shar Mike,  
Sherilinda Wheeler, Unknown  
Magadanz, and Dan Meyer,

Defendants.

This matter is before the court upon the report and recommendation of Magistrate Judge Steven E. Rau dated October 23, 2017 (R&R). The magistrate judge recommended that the court (1) deny plaintiff's first motion for a preliminary injunction with prejudice; (2) deny defendants' motion to dismiss as moot; (3) grant plaintiff's motions to amend; and (4) deny plaintiff's subsequent motion for a preliminary injunction without prejudice. No objections to the R&R have been filed in the time period permitted. Under these circumstances, the court finds it appropriate to adopt the R&R.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's first motion for a preliminary injunction [ECF No. 18] is denied with prejudice;
2. Plaintiff's subsequent motion for a preliminary injunction [ECF No. 99] is denied without prejudice;

3. Plaintiff's motions to amend [ECF Nos. 80, 97] are granted;

4. Defendants' motion to dismiss [ECF No. 49] is denied as moot;

5. Plaintiff shall file an amended complaint within thirty days of this order;

6. The parties shall follow the briefing requirements as set forth in the R&R; and

7. If plaintiff fails to amend the complaint within thirty days of this order the case will be dismissed without prejudice.

Dated: November 17, 2017

s/David S. Doty  
David S. Doty, Judge  
United States District Court