

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

Fredrick Dewayne Hines,

Plaintiff,

v.

ORDER

Michelle Smith Warden, "MNDOC"
Oak Park Heights; Tammy Whereley,
Associate Warden Administration;
David Reishus, Associate Warden
Operation; Shar Mike, Program
Director ACU/CX-5 Units;
Sherilinda Wheeler, Program
Director; Unknown Magadanz,
Lieutenant ACI/CX-5, CX-7 Units;
and Dan Meyer, Lieutenant
ACU-CX-5 Units, individually and
in their official capacities,

Defendants.

This matter is before the court upon the report and recommendation (R&R) of Magistrate Judge Steven E. Rau, dated December 20, 2018. The magistrate judge recommended that the court grant defendants' motion to dismiss and deny plaintiffs's motion for leave to file an amended complaint. No objections to the R&R have been filed within the time period permitted. See D. Minn. LR 72.2(b)(1). Under these circumstances, the court finds it appropriate to adopt the R&R.

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

1. The R&R [ECF No. 181] is adopted in its entirety;
2. The motion to dismiss [ECF No. 151] is granted;

3. The motion for leave to file an amended complaint [ECF No. 164] is denied; and

4. The action is dismissed with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 16, 2019

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