

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kip Sparby,

Civil No. 16-3876 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

University of Minnesota Medical Center,
Jerry Sparby (private citizen), and
Hennepin County Medical Center,

Defendants.

This matter is before the Court upon Plaintiff Kip Sparby's ("Plaintiff") objections (Doc. No. 6) to Magistrate Judge Leo I. Brisbois's March 31, 2017 Report and Recommendation (Doc. No. 5) insofar as it recommends that: (1) Plaintiff's Amended Complaint be dismissed without prejudice for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii); and (2) Plaintiff's application for leave to proceed *in forma pauperis* be denied as moot.

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 Brisbois found that the factual allegations in Plaintiff's Complaint are vague and indeterminate and that the allegations lack sufficient detail so as to state a plausible claim for relief under any of his asserted causes of action. Accordingly, the Magistrate Judge recommended that Plaintiff's Complaint be dismissed without prejudice.

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). The Court finds no reason that would warrant a departure from the Magistrate Judge's recommendation. 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 Kip Sparby's objections (Doc. No. [6]) to Magistrate Judge Leo I. Brisbois's March 31, 2017 Report and Recommendation are **OVERRULED**.

2. Plaintiff Kip Sparby's Amended Complaint (Doc. No. [4]) is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii).

3. Plaintiff Kip Sparby's application for leave to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 25, 2017

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