# UNITED STATES DISTRICT COURT <br> DISTRICT OF MINNESOTA 

Richard Willmar Rapatt,
Plaintiff,
v.

David J. Hauser, William Steward Leitch, Stephen Giles McGraw, and Stacy Kerlin, in their individual and official capacities, Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated April 18, 2017. (Doc. No. 6.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

## ORDER

1. Magistrate Judge Leo I. Brisbois's April 18, 2017 Report and

Recommendation (Doc. No. [6]) is ADOPTED.
2. Plaintiff's Motion to Extend Time to File a Second Amended Complaint and Serve Defendants (Doc. No. [5]) is DENIED AS MOOT.
3. This case is DISMISSED WITHOUT PREJUDICE because Plaintiff's
claims are barred under Heck v. Humphrey, 512 U.S. 477 (1994).

## LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 10, 2017
s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

