

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Paul Breaker,

Case No. 17-cv-0077 (WMW/TNL)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Pro-Staff,

Defendant.

This matter is before the Court on the August 10, 2017 Report and Recommendation of United States Magistrate Judge Tony N. Leung. (Dkt. 21.) No objections to the Report and Recommendation have been filed.¹ In the absence of timely objections, this Court reviews a Report and Recommendation for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the Report and Recommendation, the Court finds no clear error.

Based on the Report and Recommendation and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The August 10, 2017 Report and Recommendation, (Dkt. 21), is

ADOPTED;

¹ The United States Postal Service returned the Report and Recommendation mailed to Plaintiff Paul Breaker's last known address. In an attempt to obtain Breaker's current address, the Clerk of Court attempted to contact Breaker by telephone, using the most recent information provided to the Court. Breaker has not responded. The Court declines to postpone its decision until Breaker updates his contact information. *See Passe v. City of New York*, No. CV 02-6494, 2009 WL 290464, at *4 (E.D.N.Y. Jan. 5, 2009) (explaining that it is a plaintiff's responsibility to provide updated contact information to ensure the timely receipt of case-related communications).

2. Defendant Pro-Staff's motion to dismiss, (Dkt. 9), is **GRANTED**; and
3. Plaintiff's complaint, (Dkt. 1), is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 12, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge