

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Ernest Carter,

Civil No. 17-1061 (DWF/ECW)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Timothy Hiesterman,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated October 21, 2019. (Doc. No. 161.) 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 Wright's October 21, 2019 Report and Recommendation (Doc. No. [161]) is **ADOPTED**.
2. Defendant Dr. Hiesterman's Motion for Summary Judgment (Doc. No. 131) is **GRANTED**.

3. Defendant Dr. Hiesterman is **DISMISSED WITH PREJUDICE** from this action.

4. This case is **DISMISSED**.

5. Plaintiff's "Motion to Demand Trial Due to "Vacate" Decision by Judge" (Doc. No. [156]) is **DENIED AS MOOT**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 23, 2020

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