

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Lance Wickner,

Civil No. 17-1214 (DWF/DTS)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Julie Rose, Thomas Lundquist,  
Katherine Klancher, Amanda Furey,  
Nate Johnson, Jack Leritz,  
Darien Menten, D. Rose, Vanderpool,  
J. Bonrud, Tina Joseph, Aaron Koll,  
Lorin Peterson, Logan Zuk, Mark Agurkis,  
Darrel Jensen, Justin Martin,  
James Martinez, Corinne Hoadley,  
John Doe, Nancy Johnston, Unidentified  
Grievance Coordinator, Debbie Thao,  
Courtney Menten, and Department of Human  
Services,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated July 3, 2019. (Doc. No. [49].) 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 David Schultz's July 3, 2019 Report and Recommendation (Doc. No. [49]) is **ADOPTED**.
2. Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. [20]) is **GRANTED**.
3. Defendant James Martinez's Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. [40]) is **GRANTED**.
4. All claims against Justin Martin are **DISMISSED WITHOUT PREJUDICE** for failure to effect service.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 22, 2019

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