

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GRADY PEDERSON TWO BEARS, also
known as GRADY PEDERSON, also
known as SONIA TWO BEARS WITKO,

Case No. 17-CV-1272 (PJS/TNL)

Plaintiff,

ORDER

v.

STATE OF MINNESOTA; DEP'T OF
BCA; COUNTIES OF MURRAY,
NOBLES, COTTONWOOD, AND
SHERIFF'S DEP'TS OF ABOVE NAMED
COUNTIES; CITIES OF FULDA,
WORTHINGTON, WINDOM, AND
POLICE DEP'TS OF ABOVE NAMED
CITIES; and DECISIONS OF THE
AFOREMENTIONED COUNTIES,¹

Defendants.

Grady Pederson Two Bears, also known as Grady Pederson, also known
as Sonia Two Bears Witko, pro se.

On March 29, 2017, plaintiff Grady Pederson Two Bears ("Pederson") filed a
complaint pursuant to 42 U.S.C. § 1983. ECF No. 1. Pederson also filed a motion for
leave to proceed *in forma pauperis* ("IFP") and a motion for appointment of counsel. ECF
Nos. 4-5. After Magistrate Judge Tony N. Leung ordered Pederson to amend his

¹The second amended complaint in this action drops allegations against Christina
Wietzema, *Inferior County Court Judge, Cottonwood County 56101*, and Sheriff Deputy
Lacom. *Compare* ECF No. 1, *with* ECF No. 21.

complaint so that it would comply with the pleading requirements of 28 U.S.C. § 1915(e)(2)(B)(ii), Pederson filed an amended complaint and renewed his prior motions on October 19, 2017. ECF Nos. 16-18.

In a Report and Recommendation (“R&R”) dated November 2, 2017, Judge Leung recommends dismissing the amended complaint for failure to state a claim, denying Pederson’s IFP motions, and denying Pederson’s motions for appointment of counsel. ECF No. 19. In response, Pederson objected to the R&R, filed a second amended complaint, and once again renewed his prior motions. ECF Nos. 20-26. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Based on that review, the Court overrules Pederson’s objection, adopts the R&R, and dismisses the action.

Pederson’s second amended complaint is nearly identical to his first amended complaint. *Compare* ECF No. 16, *with* ECF No. 21. Although Pederson submitted a new civil cover sheet, removed the cover pages, reordered certain pages, and resubmitted 50 pages of documentary evidence including handwritten annotations—all of which were also appended to the first amended complaint—he failed to remedy the defects carefully identified and described by Judge Leung. The main problem remains that Pederson has failed to clearly allege that a particular defendant took a particular action on a particular date that violated a particular provision of the United States

Constitution or a federal statute. An additional problem is that some of the actions about which Pederson complains—such as being required to register as a predatory offender—took place so long ago that any claim related to those actions would clearly be barred by the applicable statute of limitations. In short, the second amended complaint, like the first, “fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(ii).

ORDER

Based on all of the files, records, and proceedings herein, the Court OVERRULES plaintiff’s objection [ECF No. 20] and ADOPTS the R&R [ECF No. 19]. Accordingly, IT IS HEREBY ORDERED THAT:

1. This action is DISMISSED WITHOUT PREJUDICE for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii).
2. Plaintiff’s motions for leave to proceed *in forma pauperis* [ECF Nos. 17, 22, 23] are DENIED.
3. Plaintiff’s motions for appointment of counsel [ECF Nos. 18, 24, 25, 26] are DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 30, 2017

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge