

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Shannon Lee Simmons,

Civil No. 17-1401 (DWF/KMM)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Theoplias G. Benson and Edgar Hollke,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Katherine Menendez dated July 17, 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 Katherine Menendez's July 17, 2017 Report and Recommendation (Doc. No. [6]) is **ADOPTED**.
2. This action is **SUMMARILY DISMISSED WITHOUT PREJUDICE**.

3. Plaintiff Shannon Lee Simmons's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 9, 2017

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