

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

David Earl Wattleton,

Plaintiff,

v.

Civil No. 17-1690 (JNE/SER)
ORDER

Brad Trate,

Defendant.

This matter is before the Court on a Report and Recommendation (“R&R”) issued by the Honorable Steven E. Rau, United States Magistrate Judge, on October 20, 2017. ECF No. 14. The R&R recommends that the Court (1) dismiss Plaintiff’s claims without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (2) deny Plaintiff’s application to proceed *in forma pauperis*. *Id.*

Plaintiff filed no objections to the R&R. Instead, Plaintiff filed a motion to extend the deadline to object to the R&R to allow him “to present additional evidence.” ECF No. 16 at 1. In the motion, Plaintiff describes an incident of alleged retaliation involving “Ms. Andrist, the Rochester Medical Center Education Department Supervisor.” *Id.* The Court construes this incident as the additional evidence that Plaintiff intends to present.

The Court denies the motion to extend the deadline to object to the R&R. Plaintiff has already received two prior opportunities to present additional evidence, ECF Nos. 3, 9, and does not intend to object to any aspect of the R&R. *See* D. Minn. LR 72.2(b) (allowing “specific written objections to a magistrate judge’s proposed findings and recommendation”). Therefore, Plaintiff fails to provide good cause for an extension.

See, e.g., Thompson v. Nix, 897 F.2d 356, 357 (8th Cir. 1990) (stating that extensions to object to an R&R are permitted for good cause); *Ponicki v. Minnesota*, 10-cv-4527, 2013 WL 2483068, at *6 (D. Minn. June 10, 2013) (“A party must show good cause to obtain an extension of time.”). Moreover, even if the Court granted Plaintiff’s motion for an extension and considered Plaintiff’s additional evidence, the Court would find that, for the reasons set for in the R&R, Plaintiff still fails to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

Accordingly, based on a de novo review of the record, the Court accepts the recommended disposition. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2. Therefore, IT IS ORDERED THAT:

- (1) This action is summarily DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
- (2) Plaintiff David Earl Wattleton’s application to proceed *in forma pauperis* [ECF No. 2] is DENIED.
- (3) Plaintiff David Earl Wattleton’s motion for an extension of time to file objections [ECF No. 16] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 29, 2017

s/ Joan N. Ericksen

JOAN N. ERICKSEN
United States District Judge