

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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John E. Peet,

File No. 17-cv-1870 (ECT/TNL)

Plaintiff,

v.

Michele K. Smith, acting Director MN Hud  
Dept, Lendine Darden, Inv Hud Dept,  
Sue Morfit, New Orleans Court apt,  
Mark Z. Jones, Highland Management gr Inc,  
Michelle Luna, Housing Specialist HRA,  
Debbie Goettel, May of Richfield MN now  
Commissioner Hennepin County MN,  
Mark Jones, New Orleans Court apt,<sup>1</sup>

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Defendants.

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The Court has received the Report and Recommendation of United States Magistrate Judge Tony N. Leung, issued January 23, 2019 and entered January 24, 2019. ECF No. 74. No Party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 74] is **ACCEPTED**;

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<sup>1</sup> The caption is amended to reflect the Parties as identified in Plaintiff John E. Peet's Amended Complaint, filed February 21, 2018 [ECF No. 23], and to remove Parties who are not named in that amended pleading.

2. The motion to dismiss filed by Defendants Debbie Goettel and Michelle Luna [ECF No. 33] is **GRANTED IN PART and DENIED IN PART** as follows:

- a. Counts One through Three are dismissed with prejudice;
- b. Count Four, to the extent that it asserts claims for monetary relief, is dismissed with prejudice; and
- c. The motion is denied as to Count Four, to the extent that it asserts claims for injunctive relief.

3. The motion for partial dismissal with prejudice filed by Defendants Mark Jones and Sue Morfitt [ECF No. 37] is **GRANTED**;

4. The motion to dismiss filed by Defendants Department of Housing and Urban Development Minneapolis Field Office Director Michele K. Smith and Department of Housing and Urban Development Investigator Lendine Darden [ECF No. 61] is **GRANTED** as follows:

- a. Counts One and Two are dismissed with prejudice; and
- b. Counts Three and Four are dismissed without prejudice.

5. Plaintiff John E. Peet's motion for summary judgment [ECF No. 52] is **DENIED** without prejudice.

Dated: February 11, 2019

s/ Eric C. Tostrud  
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Eric C. Tostrud  
United States District Court