

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Naga Ru 7 and Baba Dainja El,

Plaintiffs,

v.

ORDER

Civil No. 17-4237 ADM/BRT

Latasha Rochelle Kilgore Dainja,
State of Minnesota Inc., Minnesota
Department of Human Services,
Minnesota Department of Revenue,
County of Hennepin et. al., and
Legal Aid Society of Minneapolis,

Defendants.

Baba Dainja El, pro se.

I. INTRODUCTION

This matter is before the undersigned United States District Judge for a ruling on Plaintiff Baba Dainja El's ("Dainja El") Objection [Docket No. 6] to Magistrate Judge Becky R. Thorson's October 31, 2017 Report and Recommendation [Docket No. 4] ("R&R"). In the R&R, Judge Thorson recommends: (1) denying Plaintiffs' Application for leave to proceed *in forma pauperis* ("IFP") [Docket No. 2]; and (2) dismissing the Complaint [Docket No. 1] without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii). For the reasons set forth below, the Objection is overruled.

II. BACKGROUND

Plaintiffs' Complaint, titled "Independent Admiralty Maritime 9(H) Action," appears to be based on a child custody dispute or child support collection action against Dainja El in Hennepin County District Court. See Compl. [Docket No. 1] at 12–15. Plaintiffs challenge the

validity of the state court proceedings. Id. at 14-40.

The R&R recommends denying Plaintiffs' IFP Application and dismissing the action without prejudice because the allegations in the Complaint are indecipherable and fail to state a claim upon which relief can be granted. Dainja El objects, arguing Judge Thorson "has no standing in law or in these matters and all her statements and comments, are moot and null and void." Obj. at 2. Dainja El also disagrees that the Complaint is indecipherable.

III. DISCUSSION

Under 28 U.S.C. § 636(b)(1), a magistrate judge is authorized to submit findings and recommendations to a district judge regarding dismissal of a case for failure to state a claim upon which relief can be granted. In reviewing a magistrate judge's report and recommendation, the district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); see also D. Minn. L.R. 72.2(b). A district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." Id.

After de novo review, the Court agrees with Judge Thorson that the Complaint is indecipherable and fails to allege facts that would support a plausible claim for relief. Therefore, the R&R is adopted in its entirety.

IV. CONCLUSION

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff Baba Dainja El's Objection [Docket No. 6] to Magistrate Judge Becky R.

Thorson's October 31, 2017 Report and Recommendation [Docket No. 4] is **OVERRULED**;

2. The Report and Recommendation is **ADOPTED**;
3. The Application for leave to proceed in forma pauperis [Docket No. 2] is **DENIED**; and
4. Plaintiffs' Complaint [Docket No. 1] is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. § 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: November 21, 2017.