

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kenneth Steven Daywitt, Merel Evans
Bishop, and Bet Elohim Congregation,

Plaintiffs,

v.

Case No. 17-cv-5015 (JNE/LIB)
ORDER

Chad Mesojedec et al.,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Leo I. Brisbois, United States Magistrate Judge, on February 5, 2019. Kenneth Steven Daywitt and Merel Evans Bishop objected. The Court has conducted a de novo review of the record. *See* 28 U.S.C. § 636(b)(1) (2012); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b). Based on that review, the Court accepts the recommended disposition [Docket No. 10] for the reasons stated in the Report and Recommendation except those related to in forma pauperis status.¹ In addition, the Court denies as moot the motion to lift the stay.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. The motion to lift the stay [Docket No. 5] is DENIED as moot.

¹ The Report and Recommendation accurately states certain amounts listed in Daywitt's application to proceed in forma pauperis. In his objections, Daywitt asserted that he "makes the amounts that are purported in a year not in a month." The Report and Recommendation anticipates a new application to proceed in forma pauperis from Daywitt.

2. Any claims by Bet Elohim Congregation are DISMISSED without prejudice.
3. Bet Elohim Congregation is DISMISSED without prejudice from this action.
4. Merel Evans Bishop is DISMISSED without prejudice from this action.
5. Kenneth Steven Daywitt shall file an amended pleading that presents his individual claims specifically as they relate to him. Kenneth Steven Daywitt shall file a new application to proceed in forma pauperis.
6. The Clerk of Court shall initiate a separate action for Merel Evans Bishop. The Complaint [Docket No. 1 in Case No. 17-cv-5015] shall be used to initiate the separate action.
7. Merel Evans Bishop shall file an amended pleading in his separate action that presents his individual claims specifically as they relate to him. Merel Evans Bishop shall file a new application to proceed in forma pauperis in his separate action.
8. The Clerk of Court shall file a copy of this Order in the separate action initiated for Merel Evans Bishop.

Dated: March 20, 2019

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge