UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Maxim V. Kuklin,

Plaintiff.

v.

Civil No. 17-5416 (JNE/KMM) ORDER

Regents of the University of Minnesota, et al.,

Defendants.

This matter is before the Court on a Report and Recommendation ("R&R") issued by the Honorable Katherine Menendez, United States Magistrate Judge, on July 9, 2018. ECF No. 55. The R&R recommends dismissing this action because sovereign and qualified immunity bars certain claims, and Plaintiffs failed to state a cause of action with respect to the remaining claims. *Id.* Plaintiffs objected to the R&R's analysis and recommendation. ECF No. 56. Defendants responded in support of the R&R's recommended disposition. ECF. No. 57. The Court conducted a de novo review of the record. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b)(3).

Plaintiff objects to the R&R's conclusion that there is "no clearly established right to due process in the context of an academic dismissal." ECF No. 56 at 1. However, even if the Court assumes that a clearly established right to due process exists, qualified immunity still bars his claim. Government officials are entitled to qualified immunity unless the officials (1) violated a constitutional right that (2) was "clearly established at the time such that a reasonable person would have known that his conduct violated the law." *Monroe v. Arkansas State Univ.*, 495 F.3d 591, 594 (8th Cir. 2007). Plaintiff has

not alleged conduct that "any reasonable official in the defendant's shoes would have

understood" to violate Plaintiff's due process rights. Cf. Plumhoff v. Rickard, 134 S. Ct.

2012, 2023 (2014). Thus, the Court agrees with the R&R's conclusion that Defendants

are entitled to qualified immunity with respect to Count I. For the remaining counts, the

Court adopts the R&R in all other respects. Therefore, IT IS ORDERED THAT:

1. Plaintiff's objections to the Report and Recommendation [ECF No. 56] are

OVERRULED.

2. Defendants' Motion to Dismiss [ECF No. 43] is GRANTED.

3. Plaintiff's Motion for Preliminary Injunction [ECF No. 26] is DENIED AS

MOOT.

4. The case be DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 5, 2018

s/ Joan N. Ericksen

JOAN N. ERICKSEN

United States District Judge

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