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## UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Brock Fredin, Civil No. 18-cv-0510 (SRN/HB)

Plaintiff,

v. ORDER

Elizabeth A. Clysdale, David E. McCabe, Grace Elizabeth Miller, Catherine Marie Schaefer, and Lindsey Middlecamp,

Defendants.

SUSAN RICHARD NELSON, United States District Judge

The above-entitled matter is before the Court on the Report and Recommendation of the United States Magistrate Judge [Doc. No. 106]. No objections have been filed to the Report and Recommendation in the time period permitted.

Accordingly, based on that Report and Recommendation, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

- 1. The Report and Recommendation [Doc. No. 106] is **ADOPTED**;
- 2. Plaintiff Brock Fredin's Motion for Leave to File a Second Amended Complaint [Doc. No. 80] is **GRANTED**;
- 3. The Clerk's Office shall file and docket on Fredin's behalf the Second Amended Complaint, currently designated as a proposed second amended complaint [Doc. No. 80-1];

4. Plaintiff Brock Fredin's letter request for leave to file a third amended

complaint [Doc. No. 89] is **DENIED**;

5. Defendant Referee Elizabeth Clysdale's Motion to Dismiss [Doc. No. 38], as

applied to the now operative Second Amended Complaint, is GRANTED, and

all claims against Referee Clysdale are **DISMISSED WITH PREJUDICE**;

6. Defendants Grace Elizabeth Miller, Catherine Marie Schaefer, and Lindsey

Middlecamp's Motion to Dismiss [Doc. No. 44], as applied to the now

operative Second Amended Complaint, is **GRANTED**, and all claims against

these Defendants are **DISMISSED WITH PREJUDICE**; and

7. Defendant Sergeant David E. McCabe's Motion to Dismiss [Doc. No. 49], as

applied to the now operative Second Amended Complaint, is **GRANTED**, as

follows:

a. Summary judgment is awarded on the search warrant-based

retaliation claim in Count 1 of the SAC and on the Franks-based

Fourth Amendment claim in Count 2 of the SAC; and

b. All remaining claims against Sergeant McCabe are **DISMISSED** 

WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 21, 2019

s/Susan Richard Nelson

SUSAN RICHARD NELSON

United States District Judge

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