

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Aracelly Mena Dominguez,

Civil No. 18-1671 (DWF/DTS)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Scott T. Dewey,

Defendant.

The above matter comes before the Court upon *pro se* Plaintiff Aracelly Mena Dominquez's self-styled objections (Doc. No. 8) to the Report and Recommendation of United States Magistrate Judge David T. Schultz dated August 15, 2018 (Doc. No. 7) insofar as it recommends that this action be dismissed without prejudice for lack of jurisdiction and that Plaintiff's application to proceed *in forma pauperis* be denied.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. In the Report and Recommendation, the Magistrate Judge found that Plaintiff did not adequately plead the basis for the Court's jurisdiction. In addition, the Magistrate Judge noted that it appeared that Plaintiff was attempting to treat this action as an attempted appeal from state-court litigation and explained that any such appeal is foreclosed by the *Rooker-Feldman* doctrine.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). After carefully considering Plaintiff's objections, the Court finds no reason

to depart from the Magistrate Judge's recommendation. Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised, the Court hereby enters the following:

ORDER

1. Magistrate Judge David T. Schultz's August 15, 2018 Report and Recommendation (Doc. No. [7]) is **ADOPTED**.
2. This action is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
3. Plaintiff Aracelly Mena Dominguez's application to proceed *in forma pauperis* (Doc. No. [4]) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 17, 2018

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge