

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

SCOTT LAWRENCE SIMMONS,

Case No. 21-CV-952 (NEB/TNL)

Plaintiff,

v.

**ORDER ACCEPTING REPORT AND
RECOMMENDATION**

BILLY ROY WILSON, United States
District Judge,

Defendant.

The Court has received the April 27, 2021 Report and Recommendation of United States Magistrate Judge Tony N. Leung. (ECF No. 3.) No party has objected to that Report and Recommendation, so the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error and based on all the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 3) is ACCEPTED;
2. Plaintiff Scott Lawrence Simmons' Complaint (ECF No. 1) is DISMISSED;
and
3. Simmons' application to proceed *in forma pauperis* (ECF No. 2) is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 7, 2021

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge