

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JEREMY JANTILE BURTON,

Case No. 24-CV-4021 (PJS/LIB)

Plaintiff,

v.

ORDER

COUNTY OF MILLE LACS; JOE WALSH;
MICHAEL DEITER, tribal police; 3 JOHN
DOES; STATE OF MINNESOTA,

Defendants.

Plaintiff Jeremy Burton brought this lawsuit against defendants after his state convictions of criminal sexual conduct and kidnapping were reversed on appeal. *See Minnesota v. Burton*, No. A21-1272, 2022 WL 6272047, at *1 (Minn. Ct. App. Oct. 10, 2022). The matter is before the Court on Burton's objection to the January 3, 2025, Report and Recommendation ("R&R") of Magistrate Judge Leo I. Brisbois. Judge Brisbois recommends dismissing the complaint without prejudice. After conducting a de novo review, *see* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), the Court overrules the objection and adopts the R&R.

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Burton does not make any specific objections to the R&R. *See* LR 72.2(b)(1).

Instead, the objection (improperly) attempts to supplement the sparse factual

allegations in the complaint.¹ Burton does make clear, however, that “the legal basis” for this action is Minnesota’s Incarceration and Exoneration Remedies Act, Minn. Stat. §§ 611.362–.368. *See, e.g.*, Obj. at 2, ECF No. 12 (“The legal basis of Mr. Burton’s lawsuit falls under the *Order Determination Eligibility for Compensation Based on Exoneration* Minnesota statute §590.11.”); Obj. at 5 (“The Plaintiff is seeking . . . compensation based on his exoneration under Minnesota incarceration and exoneration remedies act (Minnesota statute 611.362 to 611.368).”). As the R&R points out, the Court lacks jurisdiction to entertain Burton’s exoneration-compensation claim. Burton’s complaint is therefore dismissed without prejudice.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY ORDERED THAT:

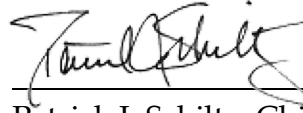
1. Plaintiff’s application to proceed *in forma pauperis* [ECF No. 8] is
GRANTED.
 - a. Plaintiff must pay the unpaid balance (\$273.80) of the statutory
filing fee in the manner prescribed by 28 U.S.C. § 1915(b)(2).
 - b. The Clerk of Court is directed to provide notice of this requirement
to the authorities at the institution where plaintiff is confined.

¹Even considering these additional allegations, Burton still fails to specify how exactly the named plaintiffs injured him.

2. The complaint [ECF No. 1] is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 11, 2025

A handwritten signature in black ink, appearing to read "Patrick J. Schiltz", written over a horizontal line.

Patrick J. Schiltz, Chief Judge
United States District Court