

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

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|-------------------------------|---|---|
| Mitchell David Holbach, |) | |
| |) | |
| Plaintiff, |) | ORDER ADOPTING REPORT AND RECOMMENDATION |
| |) | |
| vs. |) | |
| |) | Case No. 1:12-cv-170 |
| Wayne Stenejhem, |) | |
| North Dakota Attorney General |) | |
| |) | |
| Defendants. |) | |

On December 27, 2012, the Plaintiff, Mitchell Holbach, filed a PLRA Packet and a motion for leave to proceed *in forma pauperis*. See Docket Nos. 1 and 2. On February 13, 2013,, Magistrate Judgment Charles S. Miller, Jr.'s issued a Report and Recommendation which concludes that Holbach has accumulated "three strikes" under 28 U.S.C. § 1915(g), and recommends that the motion for leave to proceed *in forma pauperis* should be denied and the complaint be dismissed without prejudice unless Holbach has paid the full filing fee within thirty (30) days. See Docket No. 10, p. 5. On March 6, 2013, Holbach filed an objection. See Docket No. 11. The Court has carefully reviewed the Report and Recommendation (Docket No. 10), the entire record, and the relevant law, and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 14) in its entirety; **DENIES** the motion to proceed *in forma pauperis* (Docket No. 1); and **ORDERS** that unless Holbach has paid the filing fee within thirty (30) days the complaint (Docket No. 2) shall be dismissed without prejudice.

IT IS SO ORDERED

Dated this 26th day of March, 2013.

/s/ *Daniel L. Hovland*

 Daniel L. Hovland, District Judge
 United States District Court