

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Matthew Jacob Lee Graham, )  
)  
Plaintiff, )  
)  
-vs- )  
)  
Dr. Dale Ernster, M.D., )  
)  
Defendant. )

Case No. 3:10-cv-52

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff’s Complaint be dismissed without prejudice (Doc. #5). Plaintiff did not file any objections to the recommendation within the requisite time period.

The Court has reviewed the Report and Recommendation, along with the entire file, and finds the Magistrate Judge’s position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff’s Complaint is **DISMISSED** without prejudice.

**IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 14th day of July, 2010.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief Judge  
United States District Court