

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

Manuel Smith, III, )  
)  
Plaintiff, )  
)  
-vs- )  
)  
Preference Personnel, David Dietz, and )  
Kendra Goette, )  
)  
Defendants. )

Case No. 3:10-cv-72

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Plaintiff’s Complaint in this action alleges Preference Personnel engaged in unlawful employment practices when it refused to reschedule a job interview because he was not given sufficient notice to utilize metro area transit to attend the interview (Doc. #3, pp. 5-6). Plaintiff named as defendants Preference Personnel along with Preference Personnel employees David Dietz and Kendra Goette. Id. 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 Plaintiff’s Complaint be dismissed without prejudice (Doc. #4). Plaintiff has not objected to the Report and 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 analysis is correct. The Court hereby adopts the Report and Recommendation in its entirety. For the reasons stated therein, Plaintiff’s Complaint is hereby **DISMISSED WITHOUT PREJUDICE** as to all named defendants.

**IT IS SO ORDERED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 6th day of October, 2010.

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