

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

David Meador,)	
)	
Plaintiff,)	Case No. 3:10-cv-100
)	
-vs-)	
)	ORDER ADOPTING REPORT AND
North Dakota Department of Corrections)	RECOMMENDATION
and Monica Moore,)	
)	
Defendant.)	

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 David Meador’s Complaint be dismissed with prejudice (Doc. #17). Meador has filed an objection to the magistrate judge’s Report and Recommendation (Doc. #18). Meador, without any further explanation, asserts he has been “prejudiced and denied due process of the Fifth Amendment to the United States Constitution” and that he “has suffered a deliberate indifference in medical treatment and such a question is for a jury at trial.” Id.

After considering the magistrate judge’s Report and Recommendation, conducting a *de novo* review of Meador’s conclusory objections, and reviewing the entire file, the Court finds the magistrate judge’s analysis is correct. The Court, therefore, adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Meador’s Complaint is **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.

CERTIFICATE OF APPEALABILITY

The Court certifies that an appeal from the dismissal of this action may not be taken *in forma pauperis* because such an appeal would be frivolous and cannot be taken in good faith.

See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). Furthermore, based upon the entire record before the Court, dismissal of the motion is not debatable, reasonably subject to a different outcome on appeal, or otherwise deserving of further proceedings. Therefore, a certificate of appealability will not be issued by this Court. See Tiedemann v. Benson, 122 F.3d 518, 252 (8th Cir. 1997). If Meador desires further review of his petition, he may request the issuance of a certificate of appealability by a circuit judge of the Eighth Circuit Court of Appeals in accordance with Tiedemna v. Benson, 122 F.3d 518, 250-252 (8th Cir. 1997).

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 21st day of September, 2011.

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