

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

Brodrick Jamar Jenkins,

Plaintiff,

-vs-

Stutsman County Correctional Center
Commissioner Chairman, Mark T. Klose
(in his official capacity), Tracey Trapp,
Stutsman County Correctional Center
Administration Officer (in her official
and individual capacity), Jolene
Unknown Last, Stutsman County
Correctional Center C.B.M. Managed
Service manager (in her official and
individual capacity), and Marlin C.
Sejnoha, Jr., C.B.M. Managed Service
C.E.O.,

Defendants.

Case No. 3:13-cv-67

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, recommending that the court find Plaintiff Brodrick Jenkins (“Jenkins”) failed to exhaust his administrative remedies as to his federal law claims, that the court decline to exercise supplemental jurisdiction over the remaining claims, that the motions for summary judgment be granted, and that the complaint be dismissed without prejudice.¹ In the alternative, the magistrate judge recommends that the court find Jenkins has failed to identify any genuine issue of material fact, that the motions for summary judgment be granted, and that Jenkins’ complaint be dismissed with prejudice as to his federal claims. Jenkins has not filed

¹Doc. #68.

objections within the prescribed time period.

After reviewing the record and considering the magistrate judge's Report and Recommendation, the court finds the magistrate judge's analysis of the claims and recommendations for disposition are appropriate. Accordingly, the court hereby adopts the Report and Recommendation in its entirety. For the reasons stated therein, the procedural defects warrant dismissal. Moreover, Jenkins' federal claims are hereby dismissed with prejudice for failure to raise a genuine issue of material fact. Jenkins' remaining claims are dismissed without prejudice. For these reasons, the defendants' motions for summary judgment² are granted and Jenkins' amended complaint³ is hereby dismissed.

The court finds that any appeal would be frivolous, cannot be taken in good faith, and may not be taken *in forma pauperis*.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 30th day of March, 2015.

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

² Docs. #54 & 58.

³ Doc. # 14.