

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

Andrew James Olafson,)
)
 Plaintiff,)
)
 vs.)
)
 Kerry Wicks, Alex Schweitzer, and)
 Dr. Mark Rodlund,)
)
 Defendants.)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 3:14-cv-90

Plaintiff, Andrew James Olafson, proceeding pro se, asserted claims under 42 U.S.C. § 1983 related to his confinement at the North Dakota State Hospital (“NDSH”) as a sexually dangerous individual. Doc. No. 6. Magistrate Judge Alice R. Senechal initially reviewed the Plaintiff’s claims pursuant to 28 U.S.C. § 1915(A) and allowed certain claims to proceed, dismissed certain other claims, and stayed three claims. Doc. Nos. 16 and 21. The claims that were allowed to proceed were then dismissed on summary judgment. Doc. No. 114. As a result, the only remaining claims are the three stayed claims.

In light of the recent decisions in Karsjens v. Piper, 845 F.3d 394 (8th Cir. 2018) and Ireland v. Jones, Case No. 3:13-cv-3, on March 10, 2020, Magistrate Judge Senechal ordered the Plaintiff to show cause why the three remaining claims should not be dismissed. Doc. No. 123. The Plaintiff responded and requested additional time to submit documents. Doc. No. 124. Judge Senechal denied the request for an extension of time, as none of the requests had any relation or bearing on the effect of the Ireland and Karsjens decisions and proceeded with an initial review of the three stayed claims. Doc. No. 125.

On April 2, 2020, Judge Senechal issued a Report and Recommendation, recommending that the Plaintiff’s remaining claims against the remaining three Defendants be dismissed, the case be closed, and judgment be entered accordingly. Doc. No. 125. Additionally, because any appeal

would be frivolous and could not be taken in good faith, Judge Senechal recommended finding any appeal may not be taken in forma pauperis. Id. Objections to the Report and Recommendation were to be filed with the Court by April 16, 2020. The Plaintiff filed an objection to the Report and Recommendation on April 15, 2020. Doc. No. 127.

The Court has carefully reviewed the Report and Recommendation, the Plaintiff's objection, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Doc. No. 125) in its entirety. The Plaintiff's claims against the remaining Defendants are **DISMISSED** with prejudice, the case shall be closed, and judgment shall be entered accordingly. No relief can be granted to the Plaintiff in this action. The Court further finds that any appeal may not be taken in forma pauperis, as any appeal would be frivolous and could not be taken in good faith.

Let judgment be entered accordingly.

IT IS SO ORDERED.

Dated this 20th day of April, 2020.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court