

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

Andrew Kyle Gregerson,

Plaintiff,

-vs-

Leann K. Bertsch, Director of D.O.C.R.;  
Colby Braun, Warden of D.O.C.R.; and  
Tammy Schroeder, Inmate Accounts of  
D.O.C.R.; all in their individual and  
official capacities,

Defendants.

Case No. 3:17-cv-81

**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.<sup>1</sup> The Report and Recommendation recommends that the plaintiff's complaint be dismissed and his requests for injunctive relief be denied. No objections to the Report and Recommendation have been filed. Plaintiff Andrew Gregerson, however, has moved for leave to amend his complaint.<sup>2</sup> The magistrate judge has submitted a Supplemental Report and Recommendation recommending that Gregerson's motion to amend the complaint be denied because his proposed amended complaint states no plausible claim entitling him to relief.<sup>3</sup>

Upon consideration of the entire record, the court finds the magistrate judge's analysis of Gregerson's claims is appropriate. The court hereby adopts the Report and Recommendation and the Supplemental Report and Recommendation in their entirety. **IT**

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<sup>1</sup> Doc. #14.

<sup>2</sup> Doc. #18.

<sup>3</sup> Doc. #19.

**IS HEREBY ORDERED** that (1) Gregerson's motion for leave to amend the complaint is **DENIED**; (2) Gregerson's request for injunctive relief are **DENIED**; and (3) Gregerson's complaint is dismissed for failure to state a plausible claim entitling him to relief.

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

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 18th day of August, 2017.

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