

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

Anthony Leon Campbell,)	
)	
Plaintiff,)	ORDER ADOPTING REPORT
)	AND RECOMMENDATION
vs.)	
)	Case No. 4:15-cv-141
Chuck Barney, Mayor of Minot, Leann)	
Bertsch, Director, Department of)	
Corrections and Rehabilitation, Steve)	
Kukowski, Sheriff and Jail Commissioner,)	
Ward County, and Paul Othoff, Commander,)	
Ward County Jail,)	
)	
Defendants.)	

Before the Court is the Plaintiff’s “Petition to Compel the Court,” filed on April 11, 2016. See Docket No. 14.

The Plaintiff, Anthony Campbell, is an inmate at the Ward County Jail in Minot, North Dakota, and this case arises from a civil rights action initiated by Campbell on November 2, 2015. In Campbell’s *pro se* complaint, he alleged the Defendants are depriving him of “adequate public health and welfare conditions while imprisoned at the Ward County Jail.” See Docket No. 7.

On March 11, 2016, Magistrate Judge Charles S. Miller, Jr. issued a Report and Recommendation in which he recommended that the Court permit Campbell to proceed with his “conditions-of-confinement” claims against Defendant Kukowski and Othoff in their official capacities, but limited at this point to: a) exposure to allegedly toxic black mold; b) being forced to sleep on bedding that is unsanitary; c) being forced to wear clothes that are unsanitary; and d) having to drink water that is contaminated and unfit to drink. See Docket No. 11. Judge Miller’s report also recommended the remaining claims against Defendants Kukowski and Othoff be dismissed without prejudice. Further, Judge Miller’s report recommended Defendants Bertsch and

Barney be dismissed without prejudice. The Court adopted Judge Miller's Report and Recommendation in its entirety. See Docket No. 13.

On April 11, 2016, Campbell filed a "Petition to Compel the Court," in which he identified what he considers to be the "core issues" in this case: (1) staff's discrimination against non-white detainees; (2) staff's censorship of his outgoing mail; (3) the conditions of his confinement; and (4) the ongoing harassment/retaliation by staff. See Docket No. 14. Judge Miller reviewed Campbell's motion and issued a Report and Recommendation in which he recommended that Campbell's petition to compel be denied without prejudice. See Docket No. 23. Because Campbell is incarcerated, the time for filing objections to the report was extended until May 30, 2016. No objections were filed.

The Court has carefully reviewed Judge Miller's Report and Recommendation, the relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. Almost all of what the Plaintiff complains about in his petition is beyond what he was authorized to sue for in this case, and his petition is not a pleading that is recognized by the Federal Rules of Civil Procedure. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 23) in its entirety, and Campbell's "Petition to Compel Court" (Docket No. 14) is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated this 2nd day of June, 2016.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court