

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
DEC 07 2009  
*[Signature]*  
CLERK

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TRACY L. TROWER,

CIV. 09-4128

Plaintiff,

vs.

ORDER

WARDEN DOOLEY, Warden, South Dakota  
State Prison; ED LIGHTENBERG,  
Parole Executive, South Dakota State Prison;  
DEPT OF CORRECTIONS; S.D. PAROLE  
AND PARDONS,

Defendants.

\*\*\*\*\*

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.

Plaintiff filed no objections to the Report and Recommendation. After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

1. The Report and Recommendation (Doc. 10) is ADOPTED.
2. Plaintiff's complaint is dismissed, with prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.

Dated this 31<sup>st</sup> day of December, 2009.

BY THE COURT:

*[Signature]*  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

By: *[Signature]*, Deputy  
(SEAL)