UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael S. Undlin,

Plaintiff,

v.

Civil No. 08-1855 (JNE/FLN)
ORDER

City of Minneapolis, Police Chief Tim Dolan, Minneapolis Police Officer Lance Faust, John Doe I, Jane Doe I, Hennepin County, Richard Stanek, Brian Peterson, Vernon Trombley, Brock Heldt, Brie Pileggi, Deb Miller, Robert Hillestad, John Doe II, and Jane Doe II,

Defendants.

This case is before the Court on a Report and Recommendation and an Order issued by the Honorable Franklin L. Noel, United States Magistrate Judge, on February 18, 2009. The magistrate judge recommended that the motion of the City of Minneapolis, Tim Dolan, and Lance Faust (collectively, Minneapolis Defendants) to dismiss or for summary judgment and the motion of Hennepin County, Vernon Trombley, Brock Heldt, Brie Pileggi, Deb Miller, Robert Hillestad, Richard Stanek, and Brian Peterson (collectively, County Defendants) to dismiss or for summary judgment be granted. In the Order, the magistrate judge denied as moot the County Defendants' first motion to dismiss or for summary judgment, denied Plaintiff's two motions requesting judicial notice of certain facts, and denied as moot Plaintiff's motion for leave to file a second amended complaint.

Plaintiff objected to the Report and Recommendation and the Order. The Court has reviewed the record. The Court adopts the Report and Recommendation based on a de novo review of the record, *see* D. Minn. LR. 72.2(b), and overrules Plaintiff's objections to the Order

because the Order is neither clearly erroneous nor contrary to law, *see* 28 U.S.C. § 636(b)(1)(A) (2006); D. Minn. LR 72.2(a). Therefore, IT IS ORDERED THAT:

1. The Minneapolis Defendants' Motion to Dismiss or for Summary Judgment [Docket No. 8] is GRANTED.

2. The County Defendants' Amended Motion to Dismiss and/or for Summary Judgment [Docket No. 14] is GRANTED.

3. The magistrate judge's Order [Docket No. 80] is AFFIRMED.

4. This action is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 16, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge