

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dejuan Haywood Haggins,

Civil No. 10-4427 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

MN D.O.C. Commissioner; MN D.O.C. Policy and Legal Services Director; Jessica Symmes, Warden; Mary McComb, Associate Warden; Kent Grandlienard, Associate Warden, MCF-OPH; Lcie Stevenson, Program Director, MCF-OPH; Steven Ayers, Corrections Officer; Kevin Monio, Corrections Officer; Mike Costello, Corrections Officer; Dave Olerich, Corrections Officer; Joe McQuinn, Corrections Officer; Mark Ehlenz, Corrections Officer; Jeffrey White, Corrections Officer; Charles Tobritzhofer, Corrections Officer; Dean Hagen, Corrections Officer; Tim Farrell, Corrections Officer; Daniel Ahlness, Corrections Officer; Andrew Dubois, Corrections Officer; Chad Oye, Corrections Officer; Daniel Knutson, Corrections Officer; Anthony Ehlenz, Corrections Officer; Derrick Magle, Corrections Officer; Anthony Quinn, Corrections Officer; Kris Servers, Corrections Officer; Nick Witter, Corrections Officer; Glenn Lisowy, Corrections Officer; Jared Werner, Corrections Officer; James Lange, Corrections Officer; Jeff Danski, O.S.I. Investigator; and Mike Green, Mailroom and Discipline Supervisor,

Defendants.

Dejuan Haywood Haggins, *Pro Se*, Plaintiff.

Jackson Evans, Assistant Attorney General, Minnesota Attorney General's Office,
counsel for Defendants.

This matter is before the Court upon Plaintiff DeJuan Haywood Haggins's objections (Doc. Nos. 52, 53, 55, 56, 57) to Magistrate Judge Leo I. Brisbois's January 20, 2012 Report and Recommendation (Doc. No. 51) insofar as it recommends that Defendants' Motion for Summary Judgment be granted. Defendants filed a response to Plaintiff's objections on February 9, 2012. (Doc. No. 58.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Plaintiff has filed five documents purporting to be objections to the January 20, 2012 Report and Recommendation. (Doc. Nos. 52, 53, 55, 56, 57.) The Court has carefully reviewed the record and concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation.

Specifically, Plaintiff challenges Defendants' account of what took place in the recreation room and alleges that Defendants have falsified evidence in relation to the events at issue. The Court concludes that Plaintiff has failed to provide factual or legal support for his claims. Plaintiff neither points to specific facts showing that there are

genuine issues for trial, nor provides any support for his constitutional and tort claims. Consequently, Defendants' motion for summary judgment is properly granted.¹

Additionally, Plaintiff contends that "there is no 'Cross-Motion' for Summary Judgment" and claims to have withdrawn his motion for summary judgment "months ago." (Doc. No. 53 at 2; *see also* Doc. No. 55 at 1.) Plaintiff cites to no correspondence in the record withdrawing the motion; it appears, however, that Plaintiff intended to withdraw his motion for summary judgment (Doc. No. 25). Regardless, the Court concludes that Plaintiff's motion for summary judgment, whether moot or not, is properly denied on the merits.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff DeJuan Haywood Haggins's objections (Doc. Nos. [52], [53], [55], [56], and [57]) to Magistrate Judge Leo I. Brisbois's January 20, 2012 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Leo I. Brisbois's January 20, 2012 Report and Recommendation (Doc. No. [51]) is **ADOPTED**.

3. Plaintiff's Motion for Summary Judgment (Doc. No. [25]) is **DENIED**.

¹ Plaintiff's declarations are insufficient to create a genuine issue of material fact for trial. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986); *Frevert v. Ford Motor Co.*,

4. Plaintiff's motions for injunctive relief (Doc. Nos. [13] and [15]) are
DENIED.

5. Defendants' Motion for Summary Judgment (Doc. No. [31]) is
GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 22, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge