

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROBERT NELSON HOWELL, JR,

Civil No. 18-2031 (JRT/DTS)

Legal Status Active and In/Good Standing
Minnesota (SOS) File No. 974031000030

Plaintiff,

**ORDER ADOPTING THE REPORT
AND RECOMMENDATION OF THE
MAGISTRATE JUDGE**

v.

ROBERT NELSON HOWELL, JR,

Defendant.

Robert Nelson Howell, Jr., Reg. No. 09232026, Federal Correctional Institution, Post Office Box 6000, Florence, CO 81206, *pro se* plaintiff.

No appearance by defendant.

Before the Court is Plaintiff Robert Nelson Howell, Jr.'s objection to the Report and Recommendation ("R&R") of Magistrate Judge David T. Schultz dated October 11, 2018. (Obj. to R. & R., Nov. 5, 2018, Docket No. 8.) Finding the complaint to be incoherent, the Magistrate Judge recommends dismissal of Plaintiff Howell's suit as frivolous. As the R&R describes, it appears that Plaintiff Howell, apparently in a corporate capacity, has attempted to sue himself, Defendant Howell, in his individual capacity for conversion of his own birth certificate and a criminal judgment against him. (*See* Compl., July 17, 2018, Docket No. 1.) In addition to dismissal, the R&R recommends vacating a prior report and recommendation dated September 6, 2018; (R. & R., Sept. 6, 2018, Docket No. 4); denying Howell's application to proceed in forma pauperis; (Appl. to Proceed in Dist. Ct. Without

Prepaying Fees or Costs, July 17, 2018, Docket No. 2); and denying Howell's motion to correct errors as moot; (Mot. to Correct Errors, Sept. 13, 2018, Docket No. 6). The Court has reviewed the R&R de novo. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b)(3). After a thorough review of the record, including Howell's most recent objection, the Court finds the action frivolous. Accordingly, the Court will dismiss the action pursuant to 28 U.S.C. § 1915(e)(2)(B)(1) and will adopt the R&R in its entirety.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation dated September 6, 2018 [Docket No. 4] is **VACATED**.
2. The Court **OVERRULES** Plaintiff's objections and **ADOPTS** the Report and Recommendation dated November 11, 2018 [Docket No. 7].
3. This action is **SUMMARILY DISMISSED AS FRIVOLOUS**.
4. Plaintiff's Motion to Correct Errors and Dismiss the Motion Pursuant to 28 U.S.C. § 1915A [Docket No. 6] is **DENIED** as moot.
5. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Docket No. 2] is **DENIED** as moot.

LET THE JUDGMENT BE ENTERED ACCORDINGLY.

DATED: January 2, 2019
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court