

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOSHUA JORDAN COONRADT,

Case No. 24-CV-1233 (PJS/DTS)

Plaintiff,

v.

ORDER

KRICHBAUM, Officer/AK85,

Defendant.

Joshua Jordan Coonradt, pro se.

Ashley Marie Ramstad and Jason M. Hiveley, IVERSON REUVERS, for defendant.

Plaintiff Joshua Coonradt brought this § 1983 action against defendant Krichbaum after Coonradt was pulled over and ticketed for failing to display valid license plates. The matter is before the Court on Coonradt's objection to the September 17, 2024, Report and Recommendation ("R&R") of Magistrate Judge David T. Schultz. Judge Schultz recommends granting Krichbaum's motion for judgment on the pleadings and dismissing the case. After conducting a de novo review, *see* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), the Court overrules the objection and adopts the R&R.¹

¹Coonradt filed a notice of appeal after he objected to the R&R but before this Court ruled on his objection. ECF No. 58. With certain exceptions not relevant here, a court of appeals has jurisdiction only over a district court's "final decisions." 28 U.S.C. § 1291; *SD Voice v. Noem*, 987 F.3d 1186, 1191 (8th Cir. 2021). Because the R&R was not a final decision of the district court, Coonradt's appeal was premature and the Court (continued...)

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Plaintiff's objections [ECF Nos. 52–57] are OVERRULED.
2. The Report and Recommendation [ECF No. 51] is ADOPTED.
3. Defendant's motion for judgment on the pleadings [ECF No. 20] is GRANTED.
4. Plaintiff's motions for summary judgment [ECF No. 12] and motion for an Article III court [ECF No. 46] are DENIED.
5. The complaint [ECF No. 1] is DISMISSED WITH PREJUDICE AND ON THE MERITS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 15, 2024

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge
United States District Court

¹(...continued)

retains jurisdiction over this matter. *State ex rel. Nixon v. Coeur D'Alene Tribe*, 164 F.3d 1102, 1106 (8th Cir. 1999) (“To prevent parties from using frivolous appeals to delay or interrupt proceedings in the district court, that court does not normally lose jurisdiction to proceed with the case when one party appeals a non-appealable order.”).