



## **Michael Collins Iheme v. Mandy D.**

2012 | Cited 0 times | D. Minnesota | June 20, 2012

### **ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court upon Plaintiff Michael Collins Iheme's ("Plaintiff") pro se objections to Magistrate Judge Jeffrey J. Keyes's May 25, 2012 Report and Recommendation insofar as it recommends that: (1) Plaintiff's application to proceed in forma pauperis be denied; and (2) this action be dismissed without prejudice.

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.

Having carefully reviewed the record, the Court concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation. Plaintiff contends that, in the past, he has been denied access to his funds and that Defendants have retaliated against him. (Doc. No. 6 at 1.) Such allegations, however, do not overcome the Magistrate's finding that Plaintiff has failed to pay the partial filing fee (\$40.91) within the twenty (20) days ordered by the Court. (Doc. No. 5 at 2; see Doc. No. 3 at 3-4.) The Court concludes, as did Magistrate Judge Keyes, that Plaintiff has failed to timely offer a valid excuse for his failure to comply with the Court order requiring partial payment. (See Doc. No. 3 at 3-4.) Plaintiff's Complaint is thus rightfully dismissed and his IFP application is properly denied.

Based upon the de novoreview 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 Michael Collins Iheme's objections (Doc. No. [6]) to Magistrate Judge Jeffrey J. Keyes's May 25, 2012 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Jeffrey J. Keyes's May 25, 2012 Report and Recommendation (Doc. No. [5]) is **ADOPTED**.
3. Plaintiff's application to proceed in forma pauperis (Doc. No. [2]) is **DENIED**.



## **Michael Collins Iheme v. Mandy D.**

2012 | Cited 0 times | D. Minnesota | June 20, 2012

4. This action is DISMISSED WITHOUT PREJUDICE. LET JUDGMENT BE ENTERED ACCORDINGLY.

Donovan W. Frank

