



Cofell v. United States of America

2023 | Cited 0 times | D. Minnesota | January 31, 2023

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Margurite Mary Cofell,

Plaintiff, v. United States of America,

Defendant.

Case No. 22-cv-2895 (JRT/DJF)

REPORT AND RECOMMENDATION

On January 30, 2023, the Court recommended dismissing Ms. Cofell's Petition for failure to state a viable claim for relief (ECF No. 4). Because the Court recommends dismissing Ms. Cofell's habeas petition, it further recommends denying her Application to Proceed In Forma Pauperis (ECF No. 2) as moot. E.g., *Mays v. Sherburne Cnty. Jail*, 21-cv-2078-WMW-LIB, 2022 WL 1230040, at *1 (D. Minn. Jan. 14, 2022) (noting that a recommendation of dismissal of the underlying action renders moot pending in forma pauperis applications).

RECOMMENDATION Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT Plaintiff's Application to Proceed In Forma Pauperis (ECF No. [2]) is DENIED AS MOOT.

Dated: January 31, 2023

s/ Dulce J. Foster Dulce J. Foster United States Magistrate Judge CASE 0:22-cv-02895-JRT-DJF Doc. 5 Filed 01/31/23 Page 1 of 2

NOTICE Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy



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of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

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