



Fredin v. Clysdale et al

2019 | Cited 0 times | D. Minnesota | January 10, 2019

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Brock Fredin, Plaintiff, v. Elizabeth A. Clysdale, David E. McCabe, Grace Elizabeth Miller, Catherine Marie Schaefer, and Lindsey Middlecamp, Defendants.

Civil No. 18-cv-0510 (SRN/HB)

ORDER

SUSAN RICHARD NELSON, United States District Judge The above-entitled matter is before the Court on the Report and Recommendation of the United States Magistrate Judge [Doc. No. 106]. No objections have been filed to the Report and Recommendation in the time period permitted. Accordingly, based on that Report and Recommendation, and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that:

1. The Report and Recommendation [Doc. No. 106] is ADOPTED; 2. Plaintiff Brock Fredin's Motion for Leave to File a Second Amended

Complaint [Doc. No. 80] is GRANTED; 3. The Clerk's Office shall file and docket on Fredin's behalf the Second

Amended Complaint, currently designated as a proposed second amended complaint [Doc. No. 80-1]; 4. Plaintiff Brock Fredin's letter request for leave to file a third amended

complaint [Doc. No. 89] is DENIED; 5. Defendant Referee Elizabeth Clysdale's Motion to Dismiss [Doc. No. 38], as

applied to the now operative Second Amended Complaint, is GRANTED, and all claims against Referee Clysdale are DISMISSED WITH PREJUDICE; 6. Defendants Grace Elizabeth Miller, Catherine Marie Schaefer, and Lindsey

Middlecamp's Motion to Dismiss [Doc. No. 44], as applied to the now operative Second Amended Complaint, is GRANTED, and all claims against these Defendants are DISMISSED WITH



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PREJUDICE; and 7. Defendant Sergeant David E. McCabe's Motion to Dismiss [Doc. No. 49], as applied to the now operative Second Amended Complaint, is GRANTED, as follows:

a. Summary judgment is awarded on the search warrant-based retaliation claim in Count 1 of the SAC and on the Franks-based Fourth Amendment claim in Count 2 of the SAC; and b. All remaining claims against Sergeant McCabe are DISMISSED

WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 10, 2019 s/Susan Richard Nelson SUSAN RICHARD NELSON United States District Judge

