

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 15-594 (DSD/HB)

Rhonda Fleming,

Plaintiff,

v.

ORDER

Medicare Freedom of Information
Group; Hugh Gilmore; Vendetta
Dutton; Mary Jane Collard;
Department of Justice; Susan
Gerson; Albert A. Balboni; and
Other Unknown DOJ Officials, all
in their individual and official
capacities,

Defendants.

This matter is before the court upon the report and recommendation of Magistrate Judge Hildy Bowbeer dated April 15, 2015. The magistrate judge recommended that the court dismiss plaintiff Rhonda Fleming's claims of false imprisonment and due process and allow Fleming's FOIA and denial of access to the courts claims to proceed. Fleming filed a response to the report and recommendation stating that she does not object and that she "respects the wisdom of the Court and accepts the report."¹ ECF No. 17. Under these circumstances, the court finds it appropriate adopt the report and recommendation.

¹ Fleming's request that the proceedings be bifurcated does not bear on the report and recommendation. Fleming may pursue bifurcation in the context of her remaining claims.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The magistrate judge's report and recommendation [ECF No. 15] is adopted in its entirety;

2. Plaintiff's claims of false imprisonment and violations of due process are dismissed with prejudice; and

3. Plaintiff's FOIA and denial of access to the courts claim remain.

Dated: May 5, 2015

s/David S. Doty
David S. Doty, Judge
United States District Court