

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Phillip Horswell v. Saint Peter Regional Treatment Center

Horswell · No. 25-CV-4581 (JMB/LIB) · Decided February 5, 2026

SUMMARY

The United States District Court for the District of Minnesota adopted a magistrate judge’s Report and Recommendation and dismissed Phillip Horswell’s action without prejudice for lack of subject-matter jurisdiction. The court denied as moot Horswell’s application to proceed without prepaying fees or costs and motion for a preliminary injunction. The court also warned that continued meritless filings could result in Horswell being added to the district’s list of restricted filers.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Jeffrey M. Bryan
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	February 5, 2026
DOCKET	25-CV-4581 (JMB/LIB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal for lack of subject-matter jurisdiction. Because neither party timely objected, the court reviewed the R&R for clear error, adopted it, and dismissed the action.
STANDARD OF REVIEW	Clear-error review of an unobjected-to Report and Recommendation under Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	Unknown
PARTIES	Phillip Horswell v. Saint Peter Regional Treatment Center

TOPICS

- subject matter jurisdiction
- injunctions
- civil procedure

PRACTICE AREAS

- Civil procedure
- Federal jurisdiction
- Civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt an unobjected-to Report and Recommendation after reviewing it for clear error.
2. Whether the action should be dismissed without prejudice for lack of subject-matter jurisdiction.
3. Whether the application to proceed without prepaying fees or costs and the motion for a preliminary injunction should be denied as moot following dismissal.

HOLDINGS

1. When neither party timely objects to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error; finding none, the court may adopt it.
2. The action must be dismissed without prejudice for lack of subject-matter jurisdiction.
3. The plaintiff's application to proceed without prepaying fees or costs and motion for a preliminary injunction are denied as moot after dismissal of the action.

KEY QUOTATIONS

"If Horswell continues to file meritless litigation in this District, he may be added to this District's list of restricted filers."

FACTUAL BACKGROUND

Phillip Horswell filed an action against Saint Peter Regional Treatment Center, together with an application to proceed without prepaying fees or costs and a motion for a preliminary injunction. The magistrate judge recommended dismissal for lack of subject-matter jurisdiction and alternatively concluded that the complaint failed to state a claim. The district court found no clear error in the recommendation.

PROCEDURAL HISTORY

Magistrate Judge Leo I. Brisbois issued a Report and Recommendation recommending dismissal for lack of subject-matter jurisdiction and, alternatively, for failure to state a claim. The R&R also recommended denying as moot the plaintiff's application to proceed without prepaying fees or costs and motion for a preliminary injunction. Neither party objected, and the district court found no clear error, adopted the R&R, dismissed the action without prejudice, and denied the ancillary motions as moot.

DISPOSITION

dismissed

CASES CITED

- *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Phillip Horswell, Case No. 25-CV-4581 (JMB/LIB) Plaintiff, v. ORDER Saint Peter Regional Treatment Center, Respondent. This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Leo I. Brisbois dated December 17, 2025. (Doc. No. 5.)

The R&R recommends that the Court dismiss this action for lack of subject-matter jurisdiction. (Id. at 4; see also id. at 4 n.2 (finding that, in the alternative, Plaintiff Phillip Horswell's Complaint fails to state a claim).)

The R&R also recommends dismissing as moot Horswell's application to proceed in forma pauperis in this matter (Doc. No. 2) and Motion for Preliminary Injunction (Doc. No. 3). (See id. at 4.) Neither party objected to the R&R in the time permitted. See D. Minn. L.R. 72.2(b)(1). Absent timely objections, the Court reviews the R&R for clear error. See Fed. R. Civ.

P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). The Court has reviewed the R&R and finds no clear error. Further, the Court reiterates Magistrate Judge Brisbois's observation that Horswell has filed a series of cases that were dismissed for lacking merit or for failure to establish subject-matter jurisdiction, or that are recommended for dismissal.

(See Doc. No. 4 at 4– 5 (citing four additional cases filed by Horswell in this District).) If Horswell continues to file meritless litigation in this District, he may be added to this District's list of restricted filers. Based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT: 1.

The R&R (Doc. No. 5) is ADOPTED; 2. The action is DISMISSED without prejudice for lack of subject-matter jurisdiction; and 3. Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. 2) is DENIED as moot; 4. Plaintiff's Motion for Preliminary Injunction (Doc. No. 3) is DENIED as moot. LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 5, 2025 /s/ Jeffrey M. Bryan Judge Jeffrey M. Bryan United States District Court