

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.

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

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