

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

**Joshua Thompson v. Clay County Sheriffs and Correctional Facility,
and Mike Rapp**

Thompson · No. No. 25-cv-2398 (KMM/JFD) · Decided December 23, 2025

SUMMARY

The United States District Court for the District of Minnesota accepted a magistrate judge’s Report and Recommendation recommending dismissal of Joshua Thompson’s amended complaint without prejudice for failure to state a claim under 28 U.S.C. § 1915A(b)(1). The court denied Thompson’s applications to proceed in forma pauperis and motions to appoint counsel as moot and ordered him to pay the remaining \$344.21 filing-fee balance.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Katherine Menendez
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	December 23, 2025
DOCKET	No. 25-cv-2398 (KMM/JFD)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of an amended prisoner civil-rights complaint without prejudice for failure to state a claim. No timely objections were filed.
STANDARD OF REVIEW	Clear-error review of the Report and Recommendation in the absence of objections.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not indicated in the opinion.
PARTIES	Joshua Thompson v. Clay County Sheriffs and Correctional Facility, Mike Rapp

TOPICS

prisoners rights

section 1983

pleadings

civil procedure

PRACTICE AREAS

prisoner civil rights

civil procedure

federal courts

QUESTIONS PRESENTED

1. What standard of review applies when a party does not object to a magistrate judge's Report and Recommendation?
2. Whether the Report and Recommendation recommending dismissal of the amended complaint without prejudice for failure to state a claim should be accepted.
3. Whether Thompson was required to pay the remaining unpaid balance of the statutory filing fee.

HOLDINGS

1. When no objections are filed to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error.
2. The Report and Recommendation was accepted, and Thompson's amended complaint was dismissed without prejudice for failure to state a claim upon which relief may be granted.
3. Thompson was required to pay the unpaid balance of \$344.21 of the statutory filing fee in the manner prescribed by 28 U.S.C. § 1915(b)(2).

FACTUAL BACKGROUND

Joshua Thompson filed an amended complaint against the Clay County Sheriffs and Correctional Facility and Mike Rapp. The magistrate judge recommended dismissal for failure to state a claim under 28 U.S.C. § 1915A(b)(1), and recommended denying Thompson's in forma pauperis applications and motions to appoint counsel as moot. Thompson did not submit objections to the recommendation.

PROCEDURAL HISTORY

United States Magistrate Judge John F. Docherty recommended dismissal of Thompson's amended complaint under 28 U.S.C. § 1915A(b)(1), denial as moot of Thompson's applications to proceed in forma pauperis and motions to appoint counsel, and payment of the remaining filing-fee balance. Thompson did not object by the October 23, 2025 deadline. The district court reviewed the R&R for clear error, accepted it, dismissed the amended complaint without prejudice, denied the other motions as moot, and ordered payment of the unpaid filing fee.

DISPOSITION

dismissed

CASES CITED

- Nur v. Olmsted Cnty., 563 F. Supp. 3d 946, 949 (D. Minn. 2021)
- Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Joshua Thompson, No. 25-cv-2398 (KMM/JFD) Plaintiff, v. ORDER ACCEPTING REPORT AND RECOMMENDATION Clay County Sheriffs and Correctional Facility, and Mike Rapp, Defendants. This matter is before the Court on the October 9, 2025 Report and Recommendation (“R&R”) of United States Magistrate Judge John F. Docherty.

(Dkt. 32.) Judge Docherty recommends that the Amended Complaint (Dkt. 30) filed by Joshua Thompson be dismissed without prejudice for failure to state a claim which upon relief may be granted. (Id. (citing 28 U.S.C. § 1915A(b)(1).) He accordingly recommends denying Mr. Thompson’s Applications to Proceed in District Court without Prepaying Fees or Costs (“IFP Applications”) (Dkts.

5, 8) and Motions to Appoint Counsel (Dkts. 16, 20) as moot. (Id. at 12.) Finally, Judge Docherty recommends that Mr. Thompson be required to pay the remaining unpaid balance of his filing fee. (Id.) The deadline for submitting objections to the R&R was October 23, 2025. See D. Minn. LR 72.2(b)(1) (providing 14 days to object to an R&R). Mr. Thompson has not objected to the R&R.1 In the absence of objections, the Court reviews the R&R for clear error.

Nur v. Olmsted Cnty., 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on this Court’s careful review of the R&R and the record in this matter, the Court finds no error.

Accordingly, IT IS HEREBY ORDERED THAT: 1. The Report and Recommendation (Dkt. 32) is ACCEPTED. 2. The Amended Complaint filed by Plaintiff Joshua Thompson (Dkt. 30) is DISMISSED WITHOUT PREJUDICE. 3. Plaintiff’s IFP Applications (Dkt. 5, 8) and Motions to Appoint Counsel (Dkt. 16, 20) are DENIED AS MOOT. 4. Plaintiff is required to pay the unpaid balance of \$344.21 of the statutory filing fee for this action in the manner prescribed by 28 U.S.C. § 1915(b)(2), with the Clerk of Court to provide notice of this requirement to the authorities at the institution where he is confined.

Let judgment be entered accordingly. Dated: December 23, 2025 s/ Katherine Menendez_____ Katherine Menendez United States District Judge 1 The Court did receive a letter from Mr. Thompson on November 12, 2025, but that letter did not contain any objections. (Dkt. 33.)