

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.

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.)