

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Damien Lashaun Nelson v. Dakota County; Dakota County Sheriff's Office, Minnesota; Dakota County Employees John Doe 1–3 and Jane Doe 1–3, whose identities are presently unknown to Plaintiff, in their individual and official capacities; Dakota County Correctional Officers John Doe 1–3 and Jane Doe 1–3; MEnd Correctional Care PLLC; and MEnd Correctional Care PLLC Employees John Doe 1–3 and Jane Doe 1–3, whose identities are presently unknown to Plaintiff, in their individual and official capacities

Nelson v. Dakota County · No. 24-cv-4662 (ECT/LIB) · Decided November 25, 2025

SUMMARY

The United States District Court for the District of Minnesota reviewed a magistrate judge’s Report and Recommendation after no party filed objections. The court accepted the Report and Recommendation as modified, granted in part and denied in part the defendants’ motion to dismiss, and dismissed the plaintiff’s complaint without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Eric C. Tostrud
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	November 25, 2025
DOCKET	24-cv-4662 (ECT/LIB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending disposition of Defendants' motion to dismiss. No party objected, so the court reviewed the R&R for clear error.
STANDARD OF REVIEW	Clear-error review of an unobjected-to magistrate judge's Report and Recommendation under Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Damien Lashaun Nelson v. Dakota County, Dakota County Sheriff's Office, Minnesota, Dakota County Employees John Doe 1–3 and Jane Doe 1–3, Dakota County Correctional Officers John Doe 1–3 and Jane Doe 1–3, MEnd Correctional Care PLLC, MEnd Correctional Care PLLC Employees John Doe 1–3 and Jane Doe 1–3

TOPICS

[motions to dismiss](#) [civil rights](#) [section 1983](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [civil rights](#) [prisoner civil rights](#)

QUESTIONS PRESENTED

1. Whether the unobjected-to Report and Recommendation contained clear error.
2. Whether Defendants' motion to dismiss should be granted in whole or in part.
3. Whether Plaintiff's Complaint should be dismissed without prejudice.

HOLDINGS

1. Because no party objected to the Report and Recommendation, the district court reviewed it for clear error and found none.
2. The Report and Recommendation was accepted as modified; Defendants' motion to dismiss was granted in part and denied in part; and Plaintiff's Complaint was dismissed without prejudice.

KEY QUOTATIONS

“Defendants’ Motion to Dismiss [ECF No. 25] is GRANTED IN PART and DENIED IN PART. Plaintiff’s Complaint [ECF No. 1] is DISMISSED WITHOUT PREJUDICE.”

FACTUAL BACKGROUND

The opinion concerns Plaintiff Damien Lashaun Nelson's civil-rights action against Dakota County, county personnel, correctional officers, and a correctional-care provider and its employees. The supplied order does not describe the underlying substantive events or claims in detail. Plaintiff asserted that he lacked law-library access and that prison officials hindered his prosecution, but the court found those allegations conclusory and unrelated to the merits of the case.

PROCEDURAL HISTORY

Magistrate Judge Leo I. Brisbois issued a Report and Recommendation dated October 8, 2025. The R&R was mailed to Plaintiff, who later filed a letter but did not object to the R&R. The district court found no clear error, accepted the R&R as modified, granted Defendants' motion to dismiss in part and denied it in part, and dismissed the Complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

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

OPINION

Damien Lashaun Nelson v. Dakota County; Dakota County Sheriff's Office, Minnesota; Dakota County Employees John Doe 1–3 and Jane Doe 1–3, whose identities are presently unknown to Plaintiff, in their individual and official capacities; Dakota County Correctional Officers John Doe 1–3 and Jane Doe 1–3; MEnd Correctional Care PLLC; and MEnd Correctional Care PLLC Employees John Doe 1–3 and Jane Doe 1–3, whose identities are presently unknown to Plaintiff, in their individual and official capacities

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Damien Lashaun Nelson, File No. 24-cv-4662 (ECT/LIB) Plaintiff, v. ORDER Dakota County; Dakota County Sheriff's Office, Minnesota; Dakota County Employees John Doe 1–3 and Jane Doe 1–3, whose identities are presently unknown to Plaintiff, in their individual and official capacities; Dakota County Correctional Officers John Doe 1–3 and Jane Doe 1–3; MEnd Correctional Care PLLC; and MEnd Correctional Care PLLC Employees John Doe 1–3 and Jane Doe 1–3, whose identities are presently unknown to Plaintiff, in their individual and official capacities, Defendants. Magistrate Judge Leo I. Brisbois issued a Report and Recommendation ("R&R") dated October 8, 2025. ECF No. 47. No party has objected to that Report and Recommendation,¹ and it is therefore reviewed for clear error. See Fed. R. Civ. P. 72(b); 1 The Report and Recommendation was mailed to Plaintiff Damien Lashaun Nelson at his current MCF Rush City address on October 24, 2025. See ECF Staff note dated Oct. 24, 2025. Mr. Nelson filed a letter with the Court dated November 20, 2025. ECF No. 48. In his letter, Mr. Nelson did not address or object to the Report and Recommendation. See *id.* Rather, he claimed, among other things, that he lacks access to a law library and that prison officials are deliberately hindering his ability to prosecute this case. See *id.* Mr. Nelson's allegations are conclusory, they do not address this case's merits, and the fact that he was able to file a letter shows he possessed the ability to lodge objections to the Report and Recommendation. *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based on all the files, records, and proceedings herein, IT IS ORDERED THAT:

1. The Report and Recommendation [ECF No. 47] is ACCEPTED as modified.

2. Defendants' Motion to Dismiss [ECF No. 25] is GRANTED IN PART and DENIED IN PART. Plaintiff's Complaint [ECF No. 1] is DISMISSED WITHOUT PREJUDICE. LET JUDGMENT BE ENTERED ACCORDINGLY. Dated: November 25, 2025 s/ Eric C. Tostrud Eric C. Tostrud United States District Court