

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kristopher Lee Roybal, *and the Native American Practitioners of their Religious Beliefs confined at M.C.F. Stillwater*; Lance Lee Houle; Juan T. Vasquez; Sheldon Smith; Sequoyah Bosto; Pat Lussier; Ken Harrison; Shawn Nelson; Jeremiah Lee Ironrope; Damion Gullickson, Jr.; Percy French; Vincent Williams; Dion Jones; Parker LaFromboise; Cameron Urban; Joseph Azure; and Owen White,

Plaintiffs,

v.

Paul Schnell, *Commissioner of Corrections*,

Defendant.

File No. 24-cv-1652 (ECT/DTS)

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Seventeen plaintiffs initiated this § 1982 action by filing a *pro se* complaint on May 6, 2024. ECF No. 1. The case is now before the Court on a Report and Recommendation issued by Magistrate Judge David T. Schultz. ECF No. 26. Judge Schultz recommends the without-prejudice dismissal of thirteen plaintiffs¹ for failure to prosecute. *Id.* Each of the thirteen plaintiffs missed the deadline by which they were instructed to file applications to proceed *in forma pauperis* (“IFP”). In response to Judge Schultz’s recommendation, Plaintiff Kristopher Lee Roybal filed a one-page motion, in which he asks the Court “to treat this lawsuit in the cat[e]gory of CLASS-ACTION-STATUS.” ECF No. 28. Within

¹ Lance Lee Houle, Juan T. Vasquez, Sheldon Smith, Sequoyah Bosto, Pat Lussier, Ken Harrison, Jeremiah Lee Ironrope, Percy French, Vincent Williams, Dion Jones, Parker LaFromboise, Joseph Azure, and Owen White.

the motion, Mr. Roybal objects to the Report and Recommendation, saying only that “this matter has a significant impact with other Native American religious practitioners in other close-custody facilities.” *Id.* Beyond objecting to the ultimate legal conclusion, Mr. Roybal does not make any specific objections to the Report and Recommendation. *Id.*

Because Mr. Roybal has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Schultz’s analysis and conclusions are correct.

Therefore, based upon all the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. Plaintiff Kristopher Lee Roybal’s objection to the Report and Recommendation [ECF No. 28] is **OVERRULED**.
2. The Report and Recommendation [ECF No. 26] is **ACCEPTED**.
3. To the extent Plaintiff’s Motion [ECF No. 28] seeks to certify a class, the Motion is **DENIED without prejudice** as premature.

Dated: July 29, 2024

s/ Eric C. Tostrud

Eric C. Tostrud
United States District Court