

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOSEPH MICHAEL FRANCO,

Civil 09-0552 (JRT/SRN)

Plaintiff,

v.

JOHN GRANT, ANDY SPEAKMAN,
ADAM MACDONALD, OTHER
UNKNOWN AGENTS OF DAKOTA
COUNTY DRUG TASK FORCE, DON
GUDMENSON, DAKOTA COUNTY
DRUG TASK FORCE, DAKOTA
COUNTY SHERIFF DEPARTMENT,
BIOTEC EMERGENCY SERVICES,
ANDY BOHLEN, STEVE KLEHR,
LAKEVILLE POLICE DEPARTMENT,
CITY OF LAKEVILLE, DAKOTA
COUNTY ATTORNEY'S OFFICE, AND
COUNTY OF DAKOTA,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Defendants.

Joseph Michael Franco, 4001 160th Street East, Unit B, Rosemount, MN 55068, pro se plaintiff.

Jason Hively, Jon Iverson, and Stephanie Angolkar, **IVERSON REUVERS**, 9321 Ensign Avenue South, Bloomington, MN 55438, for Defendants John Grant, Andy Speakman, Adam Macdonald, Other Unknown Agents of Dakota County Drug Task Force, Don Gudmenson, Dakota County Drug Task Force, Dakota County Sheriff Department, Andy Bohlen, Steve Klehr, Lakeville Police Department, City Of Lakeville, Dakota County Attorney's Office, and County Of Dakota.

Christopher Johnson, Karolina Konczyk, and Erin Turner, **JOHNSON, & TURNER**, 56 East Broadway Avenue, Suite 206, Forest Lake, MN 55025, for Defendant BioTec Emergency Services.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by

United States Magistrate Judge Susan Richard Nelson dated January 29, 2010, all the files and records, and no objections having been filed to said Report and Recommendation.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Task Force Defendants' Motion to Dismiss [Docket No. 13] is **GRANTED** in part as to Plaintiff's federal claims (Counts 1-6), and **DENIED** in part as to Plaintiff's state law claims (Counts 7-13).

2. Defendant BioTec's Motion to Dismiss [Docket No. 17] is **GRANTED** in part as to Plaintiff's federal claims (Counts 1-6), and **DENIED** in part as to Plaintiff's state law claims (Counts 7-13).

3. Counts 7-13 of the Complaint are **DISMISSED WITHOUT PREJUDICE**.

Dated: February 19, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge