

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Luis Vela-Coronado,

Civil No. 05-2070 (DWF/AJB)

Petitioner,

v.

ORDER

United States of America,

Respondent.

Luis Vela-Coronado, *Pro Se*, Petitioner.

This matter is before the Court upon Petitioner Luis Vela-Coronado's objections to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated September 9, 2005, recommending that Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 be dismissed for lack of jurisdiction.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Luis Vela-Coronado's objections (Doc. No. 3) to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated September 9, 2005, are **DENIED**.
2. Magistrate Judge Arthur J. Boylan's Report and Recommendation dated September 9, 2005 (Doc. No. 2), is **ADOPTED**.
3. Petitioner Luis Vela-Coronado's application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1) is **DISMISSED** for lack of jurisdiction.

Dated: September 26, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court