

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PHILIP SIMON,

Petitioner,

v.

ORDER

Civil File No. 08-4804 (MJD/JJK)

M. CRUZ, Warden,

Respondent.

Philip Simon, pro se.

Tracy L. Perzel, United States Attorney's Office, Counsel for Defendant.

This matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes [Docket No. 12]. Plaintiff Philip Simon filed objections to the Report and Recommendation. Pursuant to statute, the Court has conducted a de novo review of the record. See 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation [Docket No. 12].
2. Petitioner's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Docket No. 1] is **DENIED**.
3. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: May 29, 2009

s/Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court