

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Sergio Garcia,

Civil No. 08-6080 (DWF/SRN)

Petitioner,

v.

**ORDER**

Wright County,

Respondent.

---

Sergio Garcia, *Pro Se*, Petitioner.

Peter R. Marker, Assistant Attorney General, Minnesota Attorney General's Office,  
counsel for Respondent.

---

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated January 27, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus, (Doc. No. 1), is

**DENIED.**

2. Petitioner's application for leave to proceed *in forma pauperis*, (Doc. No. 2), is **DENIED**.

3. This action is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 18, 2009

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