

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOSEPH THOMAS SPANN,

CIVIL NO. 09-542 (RHK/JSM)

Petitioner,

v.

ORDER

JOHN KING,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated March 13, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), be DENIED; and
2. This action be DISMISSED WITH PREJUDICE.

Dated: April 8, 2009

s/ Richard H. Kyle _____
RICHARD H. KYLE
United States District Judge