

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JONATHON SHARKEY,

Case No. 09-CV-0900 (PJS/SRN)

Petitioner,

v.

ORDER

STEVE VON WALD, in his official capacity
as Sheriff of Olmsted County, MN,

Respondent.

Jonathon Sharkey, pro se.

Chad A. Blumenfield, UNITED STATES ATTORNEY'S OFFICE, for respondent.

This matter is before the Court on the objection of petitioner Jonathon Sharkey to the April 24, 2009 Report and Recommendation ("R&R") of Magistrate Judge Susan R. Nelson. Judge Nelson recommends dismissing Sharkey's petition without prejudice. The Court has reviewed de novo those portions of the R&R to which Sharkey has objected, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The Court overrules Sharkey's objection and adopts Judge Nelson's thorough and well-reasoned R&R.

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, the Court **OVERRULES** Sharkey's objection [Docket No. 3] and **ADOPTS** Judge Nelson's Report and Recommendation [Docket No. 2]. Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Petitioner Jonathon Sharkey's petition for a writ of habeas corpus [Docket No. 1] is DENIED.

2. This case is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 20, 2009

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge