

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rajib K. MITRA,

Civil No. 09-cv-1050 JMR/JJK

Petitioner,

v.

ORDER

Warden Dwight FONDREN,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated June 12, 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, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: July 20, 2009

s/James M. Rosenbaum
James M. Rosenbaum
United States District Judge