

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Aaron Findley,

Civil 10-186 ADM/FLN

Petitioner,

v.

O R D E R

State of Minnesota and
Jessica Symmes,

Respondents

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 4, 2010, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1) Petitioner's Petition for a Writ of Habeas Corpus [#1] is **DENIED** and that this action is **DISMISSED WITH PREJUDICE**;

2) Respondents' Motion to Dismiss [#7] is **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 2253(c), a Certificate of Appealability will not be issued because Petitioner has failed to make a substantial showing of the denial of any constitutional right.

DATED: August 25, 2010.

s/Ann D. Montgomery

at Minneapolis, Minnesota

JUDGE ANN D. MONTGOMERY
United States District Court