

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Erskine Hodge,

Civil No. 10-769 (RHK/JJG)

Petitioner,

ORDER

v.

Scott Fisher,

Respondent.

This matter is before the undersigned on the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. Petitioner Erskine Hodge, currently incarcerated at the federal prison in Sandstone, is proceeding pro se. Respondent Scott Fisher, who appears in his capacity as warden of the Sandstone prison, is represented by D. Gerald Wilhelm, Assistant U.S. Attorney. Based upon the undersigned's de novo review of the Report and Recommendation, and Petitioner's Objections thereto, **IT IS ORDERED:**

1. The Objections (Doc. No. 14) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 13) is **ADOPTED**;
3. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED**;
4. Petitioner's Motion for Summary Judgment (Doc. No. 8) is **DENIED**;
5. Petitioner's Motion for additional time to file (Doc. No. 10) is **DENIED AS**

MOOT; and

6. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 14, 2011

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