

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CALVIN KING,

CIVIL NO. 10-1815 (PJS/JSM)

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated July 28, 2011. 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 Second Amended Petition for habeas corpus relief under 28 U.S.C. § 2254. [Docket No. 9], is **DENIED**; and
2. This action is **DISMISSED WITH PREJUDICE**.
3. It is further ordered, pursuant to 28 U.S.C. § 2253(c), that a Certificate of Appealability will not be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 08/16/11

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge