

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Charles James Einck,

Civil No. 10-2156 (RHK/SER)

Petitioner,

ORDER

v.

Joan Fabian, Commissioner of Corrections,

Respondent.

Before the Court are Petitioner's Objections to the March 15, 2012 Report and Recommendation of Magistrate Judge Steven E. Rau; Judge Rau has recommended that the Petition under 28 U.S.C. § 2254 be denied and the action be dismissed with prejudice.

The undersigned has conducted a de novo review of the Report and Recommendation, and Petitioner's Objections thereto. That review demonstrates that Judge Rau's factual determinations are fully supported by the record before him, and his legal conclusions are consistent with controlling legal principles.

Accordingly, and upon all the files, records and proceedings herein, **IT IS**

ORDERED that:

1. Petitioner's Objections (Doc. No. 17) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 16) is **ADOPTED**;
3. The Petition for writ of habeas corpus (Doc. No. 1) is **DENIED**;
4. This action is **DISMISSED WITH PREJUDICE**; and

5. The Court declines to issue a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 25, 2012

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