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UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

NATHANIEL RAY HARRISON,

Civil No. 10-4335 (JRT/SER)

Petitioner,

v.

ORDER ADOPTING REPORT AND RECOMMENDATION

JOAN FABIAN,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan R. Nelson, dated December 15, 2010. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 9], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

- 1. Petitioner's application for a writ of habeas corpus, [Docket No. 1], is **DENIED**;
- 2. Petitioner's application for leave to proceed <u>in forma pauperis</u>, [Docket No. 4], is **DENIED**;
- 3. This action is summarily **DISMISSED WITHOUT PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 1, 2011 at Minneapolis, Minnesota

_s/ John R. Tunheim JOHN R. TUNHEIM United States District Judge