

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dwayne Deleston,

Civil No. 11-711 (RHK/SER)

Petitioner,

ORDER

v.

Federal Bureau of Prisons,

Respondent.

Having conducted a de novo review of Magistrate Judge Steven E. Rau's March 31, 2011 Report and Recommendation and Petitioner's Objections thereto, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 6) are **OVERRULED**;
2. Petitioner's Motion to Amend Pending Application for Habeas Corpus Relief (Doc. No. 7) is **DENIED**;
3. The Report and Recommendation (Doc. No. 3) is **ADOPTED**; and
4. Petitioner's Application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1) is summarily **DISMISSED** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 25, 2011

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