

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Robert D. Gassler,

Civil No. 11-1355 (PAM/AJB)

Petitioner,

v.

ORDER

Minnesota Correctional Facility
at Stillwater,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of Chief Magistrate Judge Arthur J. Boylan dated May 27, 2011. In the R&R, Magistrate Judge Boylan recommended that Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 be denied for lack of jurisdiction. Petitioner has failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 2).

The Court notes that, because it lacks jurisdiction to hear the matter, Petitioner is not entitled to a certificate of appealability. See Fed. R. Governing § 2254 Cases in the U.S. District Courts 11(a) (requiring district court to issue or deny certificate of appealability when it enters final order adverse to petitioner).

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas Corpus (Docket No. 1) is **DENIED**; and
2. The Court will not issue a Certificate of Appealability in this matter; and
3. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Thursday, June 23, 2011

s/ Paul A. Magnuson _____
Paul A. Magnuson
United States District Court Judge