

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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JAMES MARK VOGEL,

Petitioner,

Civil No. 11-1421 (PJS/JJG)

v.

THOMAS ROY,  
Commissioner of Corrections,

Respondent.

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**ORDER ON REPORT AND  
RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. 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, and all the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application to proceed in forma pauperis, [Docket No. 2], is **DENIED**; and
2. This action is summarily **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: June 30, 2011

Patrick J. Schiltz  
PATRICK J. SCHILTZ  
United States District Judge