

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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GARY JAMES,

Petitioner,

v.

WARDEN MARK THIELEN,

Respondent.

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CIVIL No. 11-3372 (PJS/TNL)

**ORDER**

Gary James, OID Number 161294, MCF – Faribault, 1101 Linden Lane, Faribault, MN 55021, pro se Petitioner

Linda Kay Jenny, Hennepin County Attorney's Office, 300 South 6th Street, Suite C-2000, Minneapolis, MN 55487, for Respondent.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung, dated June 14, 2012, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas Corpus (Docket No. 1) is **DENIED** and **DISMISSED WITHOUT PREJUDICE**;
2. Petitioner's Motion for Preliminary Injunction (Docket No. 9) is **DENIED**;
3. Motion for Leave to File Amended Complaint (Docket No. 10) is **DENIED**;
4. Motion to Appoint Counsel (Docket No. 11) is **DENIED**; and

5. Motion Request for 30 Day Extension (Docket No. 25) is **DENIED AS MOOT.**
6. No certificate of appealability will issue.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: July 2, 2012

s/Patrick J. Schiltz  
Judge Patrick J. Schiltz  
United States District Court  
for the District of Minnesota