

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Max Mehighlovesky,

Civil No. 12-902 (RHK/JJG)

Petitioner,

**ORDER**

vs.

U.S. Department of Homeland Security,  
U.S. Immigration and Customs Enforcement,

Respondent.

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Before the Court is Petitioner's Objections to the December 7, 2012 Report and Recommendation of Magistrate Judge Jeanne J. Graham. Judge Graham has recommended that Respondent's Motion to Dismiss be denied without prejudice, and that the Motion for release from jail be denied.

The Court has conducted a de novo review of the Report and Recommendation. Based on that review, the Court concludes that Judge Graham's recommendations are fully supported by the factual record before her and by controlling legal principles. Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 23) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 22) is **ADOPTED**;
3. Respondent's Motion to Dismiss (Doc. No. 6) is **GRANTED**;
4. Petitioner's Motion for release from jail (Doc. No. 16) is **DENIED**; and
5. This action is **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 17, 2013

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