

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lance Gerald Milliman,

Civil No. 12-1789 (RHK/FLN)

Petitioner,

ORDER

v.

State of Minnesota and
County of Stearns,

Respondents.

Based upon the August 7, 2012, Findings of Fact, Conclusions of Law, and Recommendation of United States Magistrate Judge Franklin L. Noel together with a de novo review of Petitioner's Objections thereto, and all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. Nos. 7 and 8) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
3. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is **DENIED**;
4. This action is **DISMISSED WITH PREJUDICE**; and
5. The Court **DECLINES** to grant a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 27, 2012

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