

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sin Bad,

Civil No. 12-2484 (DWF/JJK)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Michelle Smith, Warden,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated November 19, 2012. No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Jeffrey J. Keyes's November 19, 2012 Report and Recommendation (Doc. No. [8]) is **ADOPTED**.
2. Petitioner's application for leave to proceed *in forma pauperis*, (Doc. No. 2), is **DENIED**.
3. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 13, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge