

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

John Excel Arrandondo,

Civ. No. 12-2576 (PAM/SER)

Petitioner,

v.

ORDER

Tom Roy, Commissioner
of Correction,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Steven E. Rau dated November 2, 2012. In the R&R, Magistrate Judge Rau recommended that the Court deny Petitioner’s application to proceed in forma pauperis, deny the Petition for a Writ of Habeas Corpus as untimely, and summarily dismiss the case with prejudice. Petitioner failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 8).

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Petition for Writ of Habeas Corpus (Docket No. 1) is **DENIED**;
2. Petitioner’s application to proceed in forma pauperis (Docket No. 3) is **DENIED**;
3. This action is **DISMISSED with prejudice**; and
4. Petitioner will not be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 27, 2012

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge

