UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Lee Gill,

Petitioner,

Civil No. 12-3081 (DSD/JJG)

v.

Bruce Rieser, Warden,

ORDER ON REPORT AND RECOMMENDATION

Defendant.

The above-entitled matter came before the Court upon the Report and

Recommendation of the United States Magistrate Judge. No objections have been filed to

the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the

files, records and proceedings herein,

IT IS HEREBY ORDERED that:

- 1. The Report and Recommendation are **ADOPTED**;
- 2. Respondent Bruce Rieser's Motion to Dismiss (ECF No. 11) is **DENIED AS MOOT**.

Dated: August 28, 2013

<u>s/David S. Doty</u> DAVID S. DOTY, Judge United States District Court