UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

David Kenneth Christian,

Civil No. 13-650 (RHK/AJB)

Petitioner,

ORDER ON REPORT AND RECOMMENDATION

v.

Michelle Smith, Warden, Stillwater Facility, Minnesota,

Respondent.

Based upon the Mach 28, 2013, Report and Recommendation of the Chief United

States Magistrate Judge Arthur J. Boylan, all the files and records, and no objections

having been filed to said Report and Recommendation, IT IS ORDERED:

- 1. The Report and Recommendation (Doc. No. 2) is **ADOPTED**;
- The Petitioner's application for a writ of habeas corpus pursuant to 28
 U.S.C. § 2254 (Doc. No. 1) is **DENIED**;
- 3. This action is summarily **DISMISSED** without prejudice for lack of jurisction; and
- 4. The Court **DECLINES** to issue a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 17, 2013

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