

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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George Martinez,

Civil No. 13-cv-1150 (ADM/TNL)

Petitioner,

v.

**ORDER**

Scott Fisher,

Respondent.

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George Martinez, #10827-084, USP Pollock, U.S. Penitentiary, Post Office Box 2099, Pollock, LA 71467 (Petitioner, pro-se ); and

D. Gerald Wilhelm, United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415 (for Respondent).

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Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated May 6, 2015 [Docket No. 12], along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 by a Person in Federal Custody (ECF No. 1) is **DENIED AS MOOT**.
2. This action is **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: June 11, 2015

s/Ann D. Montgomery  
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The Honorable Ann D. Montgomery  
United States District Court Judge  
for the District of Minnesota