

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RONALD JENKINS,
Petitioner,

Civil No. 13cv1155 ADM/JJG

v.

ORDER

JOAN FABIAN, Commissioner of
Corrections and EDDIE MILES,
Warden, Lino Lakes Prison,
Respondents.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated May 21, 2013. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's application for a writ of habeas corpus (Docket No. 1) is **DENIED**;
2. This action is **DISMISSED WITHOUT PREJUDICE**; and
3. Plaintiff is **NOT GRANTED** a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 25, 2013

s/Ann D. Montgomery

ANN D. MONTGOMERY
United States District Judge