

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

John J. Miller,

Civil No. 13-cv-2586 (ADM/TNL)

Petitioner,

v.

ORDER

United States of America,

Respondent.

John J. Miller, #09396-089, Federal Medical Center- Rochester, Post Office Box 4000, Rochester, MN 55903 (Petitioner, pro-se); and

Gregory G. Brooker, Pamela Marentette, Office of the United States Attorney, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415 (for Respondent).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated April 9, 2014 (Docket No.19), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Respondent's Motion to dismiss (Docket No. 15) is **GRANTED**;
2. Petitioner's pending motions (Docket Nos. 2 and 6) are **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: May 16th, 2014

s/Ann D. Montgomery

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