

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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John J. Miller,

Civil No. 13-cv-2587 (ADM/TNL)

Petitioner,

v.

B. J. Jett, Warden,

Respondent.

**ORDER**

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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).

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Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated April 9, 2014 (Docket No.22), 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. 18) is **GRANTED**;
2. Petitioner's pending motions (Docket Nos. 2, 12, and 17) are **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: May 19th, 2014

s/Ann D. Montgomery

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Judge Ann D. Montgomery  
United States District Court