

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Carnell Cobb,

Civil No. 13-cv-2934 (MJD/TNL)

Petitioner,

v.

ORDER

Minnesota Department of Correction,
et al.

Respondents.

The above-entitled matter comes before the Court on the Report and Recommendation of Magistrate Judge Tony N. Leung dated July 23, 2014 recommending that Petitioner's Motion for Writ of Mandamus and Writ of Habeas Corpus be denied.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on the Court's de novo review, the Court will adopt the Report and Recommendation.

In addition, with regard to the procedural rulings set forth in the Report and Recommendation, the Court concludes that no "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a

constitutional right;" nor would "jurists of reason . . . find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). With regard to the decisions on the merits, the Court concludes that no "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Id. Therefore, the Court will also deny a Certificate of Appealability in this case.

IT IS HEREBY ORDERED that:

1. Petitioner's Motion for Writ of Mandamus re: Default Judgment [Docket No. 7] is **DENIED**;
2. The Petition for Writ of Habeas Corpus [Docket No. 1] is **DENIED**;
3. The Court will not issue a Certificate of Appealability; and
4. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: November 19, 2014

s/Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court