

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

George Jerry Matlock, Jr.,

Civil No. 14-4322 (DWF/BRT)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Bruce Riaser,¹ Warden,

Respondent.

This matter is before the Court upon Petitioner George Jerry Matlock, Jr.'s ("Petitioner") self-styled objections (Doc. Nos. 15, 16 & 18) to Magistrate Judge Becky R. Thorson's April 13, 2015 Report and Recommendation (Doc. No. 14) insofar as it recommends that: (1) Petitioner's amended petition for a writ of habeas corpus be denied; and (2) a certificate of appealability not be granted in this matter. Respondent filed a response to Petitioner's objections on May 14, 2015. (Doc. No. 19.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

¹ Although Matlock has identified the warden of the Minnesota Correctional Facility at Fairbault as "Bruce Riaser," it appears that his correct name is Bruce Reiser. (See Doc. No. 10 at 1 n.1.)

Petitioner objects to the Magistrate Judge's ruling and argues that: (1) the Magistrate Judge was mistaken in her determination that Petitioner failed to advise the Court in advance that he was trying to obtain private counsel because he had informed the court that he was trying to obtain private counsel; and (2) he was at a disadvantage in trying to obtain private counsel because he was incarcerated. (*See generally* Doc. No. 15.) Petitioner further asserts that the state trial court "improperly construed [Petitioner's] motions . . . as 'simply delay tactics.'" (Doc. No. 16 at 3.) Overall, Petitioner asserts that he was severely prejudiced by the trial court's denial of his request for a continuance.

The Court concludes, as did Magistrate Judge Thorson, that Petitioner has failed to show that he is entitled to relief under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). As Respondent states in its Response to Petitioner's Objections (*see generally* Doc. No. 19), Petitioner fails to explain how the Minnesota courts' decisions were "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States," or "based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." 28 U.S.C. § 2254(d). Even assuming Petitioner's arguments to be true, he still cannot meet these requirements. The Minnesota courts' decisions were reasonable in light of all of the facts and circumstances of the case and were consistent with legal precedent.

As a result, and based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Jerry Matlock, Jr.'s objections (Doc. Nos. [15], [16] & [18]) to Magistrate Judge Becky R. Thorson's April 13, 2015 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Becky R. Thorson's April 13, 2015 Report and Recommendation (Doc. No. [14]) is **ADOPTED**.

3. Petitioner Jerry Matlock, Jr.'s amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 7) is **DENIED**.

4. No certificate of appealability is granted in this matter.

5. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 22, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge