

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Justin Wayne Eastman,

Petitioner,

Civil No. 14-4795 (SRN/HB)

v.

Michelle Smith, Warden,

Respondent.

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**ORDER ON REPORT  
AND RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. The Report and Recommendation is **ADOPTED**;
2. The Petition for a writ of habeas corpus [Doc. No. 1], is **DENIED**;
3. Petitioner's Motion for Remand [Doc. No. 2], is **DENIED**;
4. This action is **DISMISSED WITH PREJUDICE**; and
5. Petitioner shall **NOT** be granted a Certificate of Appealability.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 19, 2014

s/Susan Richard Nelson  
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SUSAN RICHARD NELSON  
United States District Judge