UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Sheik L. Tanner-Bey,

Petitioner,

v.

ORDER

Civil No. 15-cv-2339 (DSD/TNL)

Minnesota Department of Correction,

Respondent.

Sheik L. Tanner-Bey, Sherburne County Jail, 13880 Business Center Drive N.W., Elk River, MN 55330 (Petitioner, pro-se); and

Matthew Frank and James B. Early, Minnesota Attorney General's Office, 455 Minnesota Street, Suite 1800, St. Paul, MN 55101; Jean E. Burdorf, Hennepin County Attorney's Office, 300 South Sixth Street, Suite 2000, Minneapolis, MN 55487 (for Respondent).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N.

Leung dated June 2, 2015 [Docket No. 5], along with all the files and records, and no objections

to said Recommendation having been filed, IT IS HEREBY ORDERED that:

1. Petitioner Sheik LaQundus Laron Tanner-Bey's petition for a writ of habeas corpus

[Docket No. 1] is **DENIED WITHOUT PREJUDICE** for failure to exhaust state

remedies.

- 2. This action is **DISMISSED WITHOUT PREJUDICE**; and
- 3. Petitioner should **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: July 20, 2015

<u>s/David S. Doty</u> David S. Doty, Judge United States District Court