

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BASIL BENNA DUDLEY,

Civil No. 16-446 (JRT/TNL)

Plaintiff,

v.

ORDER

STATE OF MINNESOTA,

Defendant.

Basil Benna Dudley, OID #242462, MCF-Faribault, 1101 Linden Lane, Faribault, MN 55021, *pro se* plaintiff.

Peter R Marker, **RAMSEY COUNTY ATTORNEY'S OFFICE**, 345 Wabasha Street North, Suite 120, St Paul, MN 55102-1657 defendant.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated January 25, 2017 (Docket No. 24), 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 Petition for Writ of Habeas Corpus, (Docket No. 15), is **GRANTED**.
2. The Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, (Docket No. 1), is **DISMISSED WITH PREJUDICE**.
3. Petitioner should NOT be granted a Certificate of Appealability.

4. Dudley's Motion to Order Court Un-Transcribed Transcript of Plea Hearing and Sentencing, (Docket No. 21), is **DENIED**.

5. Dudley's Motion to Stay, (Docket No. 23), is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: January 10, 2017
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court