

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jesse B. Bennett,

Case No. 16-cv-3054 (WMW/SER)

Petitioner,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Blue Earth County District Court,

Respondent.

This matter is before the Court on the February 2, 2017 Report and Recommendation of United States Magistrate Judge Steven E. Rau. (Dkt. 28.) No objections to the Report and Recommendation have been filed in the time period permitted. In the absence of timely objections, this Court reviews a Report and Recommendation for clear error. See Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the Report and Recommendation, the Court finds no clear error.

Based on the Report and Recommendation and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The February 2, 2017 Report and Recommendation, (Dkt. 28), is **ADOPTED**;
2. Petitioner Jesse B. Bennett's petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody, (Dkt. 1), is **DENIED**;

3. Bennett's motion to compel discovery, (Dkt. 15), is **DENIED**;
4. This action is **DISMISSED WITH PREJUDICE**; and
5. For the purpose of appeal, the Court does not grant a Certificate of Appealability under 28 U.S.C. § 2253(c).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 9, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge