

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JORGE ROMAN VASQUEZ,

Case No. 16-CV-3130 (PJS/TNL)

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

Jorge Roman Vasquez, pro se.

Kathryn M. Keena, DAKOTA COUNTY ATTORNEY'S OFFICE, for respondent.

Petitioner Jorge Vasquez was convicted in state court of charges in connection with a drive-by shooting. He now seeks a writ of habeas corpus under 28 U.S.C. § 2254. On November 22, 2016, Magistrate Judge Tony N. Leung issued a Report and Recommendation ("R&R") that recommends dismissing this action without prejudice for failure to exhaust state remedies. ECF No. 9. Vasquez submitted a letter in Spanish, which the Court has had translated, and which the Court construes to be an objection to the R&R. ECF Nos. 10, 11.

Having reviewed the R&R and the underlying record de novo, *see* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), the Court agrees with Judge Leung's analysis. Accordingly, the Court overrules Vasquez's objection and adopts the R&R.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES petitioner's objection [ECF Nos. 10, 11] and ADOPTS the R&R [ECF No. 9]. IT IS HEREBY ORDERED THAT:

1. This action is DISMISSED WITHOUT PREJUDICE for failure to exhaust state remedies.
2. Petitioner's application to proceed *in forma pauperis* [ECF No. 6] is DENIED.
3. No certificate of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 28, 2016

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge