

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Thomas Lee Fairbanks,

Civil No. 16-4272 (DWF/HB)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Eddie Wilson, Warden WMCI
Torrington,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated February 24, 2017. (Doc. No. 3.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Hildy Bowbeer's February 24, 2017 Report and Recommendation (Doc. No. [3]) is **ADOPTED**.
2. The Petition for Writ of Habeas Corpus filed by Thomas Lee Fairbanks (Doc. No. [1]) is **SUMMARILY DISMISSED** as untimely.
3. No certificate of appealability will be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 21, 2017

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge