

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GUY I. GREENE, formerly known as
Ozhawaaskoo Giishig,

Civil No. 16-4329 (JRT/TNL)

Petitioner,

ORDER

v.

C. GAU, MCF – St. Cloud Warden, and
LESLIE BEIERS, Carlton County Judge,

Respondents.

Guy I. Greene, Reg. No. 157305, MN Correctional Facility, 2305 Minnesota Boulevard Southeast, St. Cloud, MN 56304, *pro se* petitioner.

Matthew Frank, **MINNESOTA ATTORNEY GENERAL'S OFFICE**,
445 Minnesota Street, Suite 1800, St. Paul, MN 55101, for respondent.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated February 15, 2017 (Docket No. 11), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Petitioner Guy I. Greene's petition for a writ of habeas corpus (Docket No. 1) is **SUMMARILY DENIED WITHOUT PREJUDICE** for failure to exhaust state remedies.
2. The motion to dismiss of Leslie Beiers (Docket No. 4) is **GRANTED**, subject to the limitations set forth above.

3. Greene's application to proceed in forma pauperis (Docket No. 2) is **DENIED**.
4. Greene's motion for appointment of counsel (Docket No. 8) is **DENIED**.
5. Petitioner should **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: March 6, 2017
at Minneapolis, Minnesota.

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