

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Benjamin Lee Harris,

Plaintiff,

v.

Joe Paget,
Under Sheriff,

Defendant.

Case No. 17-cv-326 MJD/FLN

ORDER

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated March 27, 2017, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that

1. The petition for a writ of habeas corpus of petitioner Benjamin Lee Harris [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies.
2. Harris's application to proceed *in forma pauperis* [ECF No. 2] is **DENIED**.
3. No certificate of appealability shall be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: May 1, 2017

s/Michael J. Davis
MICHAEL J. DAVIS
United States District Court Judge