

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony John Palubicki,

Civil No. 17-456 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

State of Minnesota,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated April 4, 2017. (Doc. No. 9.) 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 Leo I. Brisbois's April 4, 2017 Report and Recommendation (Doc. No. [9]) is **ADOPTED**.
2. Petitioner Anthony John Palubicki's Petition for a writ of habeas corpus, (Doc. No. [3]), is **DENIED**.
2. This action is **DISMISSED WITHOUT PREJUDICE**.
3. No certificate of appealability is granted.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 11, 2017

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