

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Fontell Demaun Fuller,

Civil No. 17-cv-0898 (PJS/TNL)

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated September 28, 2017 (ECF No. 46), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. The petition for a writ of habeas corpus of petitioner Fontell Demaun Fuller (ECF No. 1) is **DENIED WITHOUT PREJUDICE**.
2. Petitioner should **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: November 9, 2017

s/Patrick J. Schiltz
The Honorable Patrick J. Schiltz
United States District Court Judge
for the District of Minnesota