

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Patrick Edward Heurung,

Civ. No. 17-3340 (PJS/BRT)

Petitioner,

v.

Order

Thomas P. Kelly and David McLeod,

Respondents.

Patrick Edward Heurung, 5657 40th St. S, St. Cloud, MN 56301, *pro se* Petitioner.

Thomas P. Kelly, Esq., Olmsted County Attorney's Office, counsel for Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated December 1, 2017. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DISMISSED**; and
2. Petitioner's request for a certificate of appealability is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: 12/27/17

s/Patrick J. Schiltz
PATRICK J. SCHILTZ
United States District Court Judge