

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Calvin Thomas King,

Case No. 17-cv-5575 (WMW/LIB)

Petitioner,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

United State of American<sup>1</sup>  
and D.O.C. Stillwater,

Respondents.

---

This matter is before the Court on the March 23, 2018 Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois. (Dkt. 3.) Petitioner Calvin Thomas King timely objected to the R&R. (Dkt. 4.)

A district court reviews de novo those portions of an R&R to which an objection is made. 28 U.S.C. § 636(b)(1)(C). But when a party fails to file specific objections to an R&R, de novo review is not required. *See Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004); *Bui v. U.S. Attorney's Office*, No. 15-2001, 2015 WL 6758142, at \*1 (D. Minn. Nov. 5, 2015) (“Objections to an R&R that are not specific . . . are not entitled to *de novo* review, but rather are reviewed for clear error.”). Under such circumstances, a court reviews for clear error.

Because King makes no specific objection to the R&R’s analysis of his petition, the Court reviews the R&R for clear error. *Bui*, 2015 WL 6758142, at \*1. A ruling is clearly

---

<sup>1</sup> Petitioner Calvin Thomas King’s petition refers to Respondent United States of America as “United State of American.”

erroneous when the reviewing court “is left with the definite and firm conviction that a mistake has been committed.” *Wells Fargo & Co. v. United States*, 750 F. Supp. 2d 1049, 1050 (D. Minn. 2010) (internal quotation marks omitted). After a careful review of the R&R, the Court finds no clear error.

Based on the Report and Recommendation and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The March 23, 2018 Report and Recommendation, (Dkt. 3), is **ADOPTED**.
2. Petitioner Calvin Thomas King’s petition, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.
3. Petitioner’s application to proceed in district court without prepaying fees or costs, (Dkt. 2), is **DENIED AS MOOT**.
4. The Court declines to grant a Certificate of Appealability under 28 U.S.C. § 2253(c).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 25, 2018

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge