

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Aiyetoro Aheen Holmes,

Petitioner,

Civil No. 18-cv-0181 (SRN/HB)

v.

Megan Remark; Melissa Westbrook;
and Attorney John L. Kirwin,

Respondents.

**ORDER ON REPORT
AND RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is **ADOPTED**;
2. The petition for a writ of habeas corpus of petitioner Aiyetoro Aheen Holmes [Doc. No. 1] is **DENIED WITHOUT PREJUDICE** for failure to exhaust state remedies.
3. Holmes's application to proceed *in forma pauperis* [Doc. No. 2] is **DENIED**.
4. Holmes's motion to cease and desist [Doc. No. 3] is **DENIED**.
5. No certificate of appealability is issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 29, 2018

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge