

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Calvin Thomas King,

Civil No. 18-395 (DWF/SER)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Department of Corrections,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau dated April 24, 2018. (Doc. No. 4.) 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 Steven E. Rau's April 24, 2018 Report and Recommendation (Doc. No. [4]) is **ADOPTED**.
2. This matter is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies.
3. The application to proceed *in forma pauperis* of Petitioner Calvin Thomas King (Doc. No. [2]) is **DENIED**.

4. No certificate of appealability is issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 21, 2018

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