

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Branden T. Clark,)
)
Petitioner,)
)
-vs-)
)
Leann K. Bertsch,)
)
Respondent.)

Case No. 3:10-cv-110

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Petitioner Branden T. Clark filed a petition for habeas relief pursuant to 28 U.S.C. § 2254. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Clark’s petition for habeas relief be dismissed with prejudice as to the claim that he did not enter a guilty plea to the state charge of issuing a check without an account (Doc. #5). Clark did not object to the report and recommendation within the time period prescribed by Fed. R. Civ. P. 72 and District of North Dakota Local Rule Court Civil Rule 72.1(D).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds the Magistrate Judge’s position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Clark’s claim that he did not enter a guilty plea to the state charge of issuing a check without an account is **DISMISSED** with prejudice. Consistent with the Magistrate Judge’s Order, Respondent shall have sixty days from the date of this Order to respond to the remaining claim in the petition.

IT IS SO ORDERED.

Dated this 16th day of February, 2011.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court