

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|----------------------|---|-----------------------|
| ROBERT E. COTNER, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. CIV-18-398-M |
| |) | |
| WARDEN BEAR, et al., |) | |
| |) | |
| Respondents. |) | |

ORDER


On April 26, 2018, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2255. The Magistrate Judge recommended that the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2255 be dismissed without prejudice for failure to comply with previously imposed filing restrictions and that petitioner's Motion for Leave to Proceed *In Forma Pauperis* and Motion to Appoint Counsel be denied. Petitioner was advised of his right to object to the Report and Recommendation by May 14, 2018. Petitioner has filed an Objection to Judge and Magistrate, a motion for appointment of counsel, and an application for hearing.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 7] issued by the Magistrate Judge on April 26, 2018;
- (2) DENIES petitioner's Motion for Leave to Proceed *In Forma Pauperis* [docket no. 2];
- (3) DENIES petitioner's motions for appointment of counsel [docket nos. 3 and 9];
- (4) DENIES petitioner's application for hearing [docket no. 10]; and

- (5) DISMISSES the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2255 without prejudice for failure to comply with previously imposed filing restrictions.

IT IS SO ORDERED this 31st day of May, 2018.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE