

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

MARIO CROW GHOST, Petitioner, vs. ROBERT DOOLEY, WARDEN; a/k/a "Bob" Dooley, et. al. Respondents.	CIV. 15-4065-KES ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE
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Petitioner, Mario Crow Ghost, filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254. The court referred the petition to a United States magistrate judge under 28 U.S.C. § 636(b) and Rule 8 of the Rules Governing Section 2254 Cases in United States District Courts.

The magistrate judge filed a report and recommendation recommending that Crow Ghost's petition be dismissed. Objections to the report and recommendation were due by October 23, 2015.

The time for objections has passed. No objections to the report and recommendation have been filed under 28 U.S.C. § 2254, Rule 8(b)(3). The court has considered the case de novo and adopts the report and recommendation in full. Therefore, it is

ORDERED that the report and recommendation (Docket 14) is adopted in full. Petitioner's pro se petition for habeas corpus is denied with prejudice.

IT IS FURTHER ORDERED that the motion to dismiss with prejudice by defendants (Docket 12) is granted.

IT IS FURTHER ORDERED that based upon the reasons stated and under Fed. R. App. P. 22(b), the court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Thus, a certificate of appealability is denied.

Dated November 9, 2015.

BY THE COURT:

/s/ *Karen E. Schreier*

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE