

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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| <p>EDWARD DONALD,<br/><br/>Movant,<br/><br/>vs.<br/><br/>WARDEN HUDGINS, F.P.C. YANKTON;<br/><br/>Respondent.</p> | <p>4:18-CV-04017-KES<br/><br/>ORDER ADOPTING REPORT AND<br/>RECOMMENDATION AND GRANTING<br/>RESPONDENT'S MOTION FOR<br/>SUMMARY JUDGMENT</p> |
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Movant, Edward Donald, filed a motion under 28 U.S.C. § 2241. Docket 1 & 2. The court referred the motion to Magistrate Judge Veronica Duffy. Respondents filed a motion to dismiss Donald's § 2241 petition or alternatively for summary judgment. Docket 12.

On August 13, 2018, Magistrate Judge Duffy submitted a report and recommended construing respondent's motion as a motion for summary judgment and granting the motion. Docket 20. In the alternative, Magistrate Judge Duffy recommended granting respondent's motion to dismiss. *Id.* The time for objections has passed and no objections to the report and recommendation have been filed. The court has considered the case de novo and adopts the report and recommendation in full. Thus, it is

ORDERED that the magistrate judge's report and recommendation (Docket 20) is adopted in full and respondent's motion for summary judgment (Docket 12) is granted.

DATED this 20th day of September, 2018.

BY THE COURT:

*/s/ Karen E. Schreier*

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KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE