

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ETHAN W. MOORE,

Petitioner,

v.

Case No. 17-CV-817-JPS

LISA YESTES, JON SCHUBERT, and
ELIZABETH LEMCKE,

ORDER

Respondents.

On June 12, 2017, Ethan W. Moore (“Moore”) filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, asserting that he is in custody in violation of the Constitution or laws or treaties of the United States. (Docket #1). The case was randomly assigned to Magistrate Judge David E. Jones, and Moore subsequently consented to the full jurisdiction of a magistrate judge. However, because not all parties have had the opportunity to consent to magistrate jurisdiction, *see* 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73(b), the case was reassigned to this Court for ruling on Judge Jones’ report and recommendation.

Magistrate Jones reviewed and analyzed Moore’s petition and determined that it must be dismissed because Moore has not yet exhausted his state court remedies. (Docket #5). Thereafter, on August 24, 2017, Magistrate Jones filed a Report and Recommendation with this Court, recommending that Moore’s petition be dismissed without prejudice. *Id.*

Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P. 72(b)(2), and E.D. Wis. Gen. L.R. 72(c), any written objections to that recommendation, or any part thereof, were to be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection.

The Court has considered Magistrate Jones' recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge David E. Jones' report and recommendation (Docket #5) be and the same is hereby **ADOPTED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice**.

The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 12th day of September, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge