



Edward Ross Bergren v. State of Minnesota Department of Corrections

2011 | Cited 0 times | D. Minnesota | March 10, 2011

ORDER

This matter is before the Court on the Report and Recommendation ("R&R") of Magistrate Judge Jeanne J. Graham dated February 18, 2011. In the R&R, the Magistrate Judge recommended that the Court deny the Petition for a Writ of Habeas Corpus because the claims raised therein are procedurally defaulted. Petitioner has failed to file objections to the R&R in the time period permitted. The Court therefore ADOPTS the R&R (Docket No. 21).

Having failed to object to the R&R, Petitioner is not entitled to a certificate of appealability. See Fed. R. Governing § 2254 Cases in the U.S. District Courts 11(a) (requiring district court to issue or deny certificate of appealability when it enters final order adverse to petitioner).

Accordingly, IT IS HEREBY ORDERED that:

1. The Petition for Writ of Habeas Corpus (Docket No. 1) is DENIED;
2. The Court will not issue a Certificate of Appealability in this matter; and
3. This action is DISMISSED with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Thursday, March 10, 2011

Paul A. Magnuson

