

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

ANTHONY KEENAN SHARP, Petitioner, vs. WARDEN FLUKE, WARDEN AT YANKTON WORK CENTER, INDIVIDUAL AND OFFICIAL CAPACITY; AND JASON RAVNSBORG, ATTORNEY GENERAL OF THE STATE OF SOUTH DAKOTA; Respondents.	4:19-CV-04173-KES ORDER ADOPTING THE REPORT AND RECOMMENDATION IN FULL AND GRANTING THE RESPONDENTS' MOTION TO DISMISS
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Petitioner, Anthony Keenan Sharp, filed a motion under 28 U.S.C. § 2254 to vacate, set aside, or correct sentence. Docket 1. The court referred the motion to Magistrate Judge Veronica Duffy. Respondents moved to dismiss the action for failure to exhaust remedies in state court. Docket 7. Sharp responded to the motion to dismiss. Docket 9.

On November 18, 2019, Magistrate Judge Duffy submitted a report and recommended that Sharps's petition be dismissed and respondent's motion to dismiss be granted. Docket 12. 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. Thus, it is

ORDERED that the magistrate judge's report and recommendation (Docket 12) is adopted in full and respondents' motion to dismiss (Docket 7) is granted.

IT IS FURTHER ORDERED that based upon the reasons set forth herein and pursuant to 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). Therefore, a certificate of appealability is denied.

Dated December 9, 2019.

BY THE COURT:

/s/ *Karen E. Schreier*

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE