

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

MANUEL RAUL REYO PENA GARCIA MONTERO,

Petitioner,

v.

**CIVIL ACTION NO. 1:04CV28
(Judge Broadwater)**

MR. GEORGE W. BUSH, PRESIDENT,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaull, dated July 11, 2005. The petitioner filed a nonsensical second Motion for Leave to Proceed *in forma pauperis* and an incoherent letter subsequent to the issuing of the Magistrates Report and Recommendation. Neither filing contained any discernable objections to the Magistrate's Report and Recommendation. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby ORDERED adopted.

The Court, therefore, ORDERS that the petitioner's Applications to Proceed In Forma Pauperis (Docket Nos. 3 and 5) be DENIED and that his §2241 petition be DENIED and DISMISSED WITH PREJUDICE, based on the reasons set forth in the Magistrate Judge's Report and Recommendation. The court further orders that this matter be STRICKEN from the active docket of this Court.

It is so ORDERED.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel

of record herein.

DATED this 4th day of January 2006.

W. Craig Broadwater

W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE