

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1585

Rodger Dean Robb,

Appellant,

v.

Michael O’Keefe, Commissioner,
Minnesota Department of Health and
Human Services,

Appellee.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: December 18, 2003

Filed: January 6, 2004

Before BYE, BOWMAN, and MELLOY, Circuit Judges.

PER CURIAM.

Rodger Dean Robb appeals the district court’s¹ order denying his 28 U.S.C. § 2254 petition challenging his commitment under Minnesota’s Sexually Dangerous Person (SDP) Act, Minn. Stat. §§ 253B.02, subd. 18c, 253B.185 (2002). The district

¹The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Jonathan G. Lebedoff, United States Magistrate Judge for the District of Minnesota.

court granted Robb a certificate of appealability on whether Minnesota’s “lack of adequate control” standard comports with constitutional requirements. The constitutionality of Minnesota’s SDP Act was recently upheld in Linehan v. Milczark, 315 F.3d 920, 927-28 (8th Cir. 2003). Accordingly, we affirm. See 8th Cir. R. 47B. We deny appellee’s pending motion.
