

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

ANDREW RAYMOND MURPHY, #92006-083,

Petitioner,

v.

Civil Action No. 2:22cv110

**DAVID LEU, Warden,
FCI Petersburg-Low,**

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241 filed by pro se Petitioner Andrew Raymond Murphy (“Murphy” or “Petitioner”). Murphy’s petition alleges a denial of due process in the calculation of his federal sentence. Specifically, he seeks restoration of good time credits that he lost due to a violation of prison policy.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation of the Magistrate Judge filed June 24, 2022 recommends Respondent’s Motion for Summary Judgment be granted and Murphy’s petition be dismissed with prejudice. (ECF No. 15). The Report and Recommendation also advised parties of their right to object and the time limit for doing so. The Court has received no objections, and the time for filing objections has now expired.

Accordingly, the Court hereby **ADOPTS AND APPROVES** the findings and recommendations set forth in the Report of the United States Magistrate Judge filed June 24, 2022, and it is, therefore, **ORDERED** that Respondent’s Motion for Summary Judgment (ECF No. 10) is

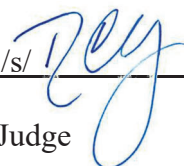
GRANTED, Murphy’s petition is DENIED and DISMISSED with prejudice, and judgment shall be entered in favor of the Respondent.

Finding that the basis for dismissal of Petitioner’s § 2241 petition is not debatable, and alternatively finding that Petitioner has not made a “substantial showing of the denial of a constitutional right,” a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); *see* Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a); *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000).

Petitioner is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. Rule App. Proc. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Petitioner intends to seek a certificate of appealability from the Fourth Circuit, he must do so within sixty (60) days from the date of this Order. Petitioner may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this Final Order to Petitioner and provide an electronic copy of the Final Order to counsel of record for Respondent.

Richmond, Virginia
Date: July 20, 2022



Roderick C. Young
United States District Judge