

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROY PIERCE SNOWDEN,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 2:08cv1026-MHT
)	(WO)
J.A. KELLER,)	
)	
Respondent.)	

ORDER

Respondent has filed an answer (Doc. No. 13) addressing the claims presented in the instant 28 U.S.C. § 2241 habeas corpus petition. In this answer, Respondent contends that the petition for habeas corpus relief is due to be denied because Petitioner is entitled to no relief on the claims presented therein. Specifically, Respondent argues that (a) the federal district court and appellate court decisions cited by Petitioner as support for his claims are either inapposite to the facts of Petitioner’s case or are not controlling in the Eleventh Circuit; (b) Petitioner has no liberty interest in early release and has suffered no denial of due process of law; (c) the BOP’s authority to promulgate and administer regulations regarding early release criteria under RDAP are entirely discretionary; (d) the American With Disabilities Act provides no legal or factual basis for Petitioner’s assertion that a finding at an institution that he has a substance abuse problem places him in a protected class; and (e) Petitioner fails to support any claim that he was denied equal protection under the laws.

Accordingly, it is

ORDERED Petitioner may file a reply to Respondent's answer on or before March 25, 2009. Petitioner is instructed that when replying to Respondent's answer, he may file sworn affidavits or other documents in support of his claims. Affidavits should set forth specific facts which demonstrate that Petitioner is entitled to relief on the grounds presented in the habeas corpus petition. If documents that have not previously been filed with the court are referred to in the affidavits, sworn or certified copies of those papers must be attached to the affidavits or served with them. When Petitioner attacks Respondent's answer by use of affidavits or other documents, the court will, at the appropriate time, consider whether to expand the record to include such materials. *Cf. Rule 7, Rules Governing Section 2254 Cases in the United States District Courts.*

Any documents or evidence filed after March 25, 2009, will not be considered by the court except in exceptional circumstances. At any time after the deadline for filing a reply expires, the court will determine whether an evidentiary hearing is necessary. If it appears that an evidentiary hearing is not required, the court will dispose of the petition as justice requires. *Cf. Rule 8(a), Rules Governing Section 2254 Cases in the United States District Courts.*

Done this 4th day of March, 2009.

/s/Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

