

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

BRINSON ALLEN,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 2:10cv322-WHA
)	
J. A. KELLER,)	(WO)
)	
Respondent.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #15) and the Defendant’s objections thereto (Doc. #16).

Upon a thorough independent evaluation of the entire file and a *de novo* review, the court finds that the objections are due to be overruled.

The objections are interesting but ultimately without merit. In the Northern District of Georgia, there has been a difference of opinion about whether *Gonzales* really means what it says in its use of the term “jurisdiction.” *Coneway v. Grayer*, 2009 WL 2192589 (N.D.Ga., July 20, 2009); *Galaviz v. Zenk*, 2007 WL 2422049 (N.D.Ga., June 25, 2007). Regardless of that debate among the district judges, *Skinner v. Wiley*, 355 F.3d 1293, 1295 (11th Cir. 2004); *Gonzalez v United States*, 959 F.2d 211 (11th Cir. 1992), plainly settle the question about whether exhaustion is required.

Therefore, the objections are overruled, the court adopts the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that this 28 U.S.C. § 2241 petition for habeas corpus relief is DISMISSED without prejudice because Allen has failed to exhaust his administrative remedies in accordance with the procedures established by the Bureau of Prisons.

DONE this 17th day August, 2010.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE