

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

GREG E. LINDBERG,)
)
Petitioner-Plaintiff,)
)
v.)
)
ALAN COHEN, Warden,)
Federal Prison Camp)
Montgomery, and MICHAEL)
CARVAJAL, Director,)
Federal Bureau of Prisons,)
)
Respondent-)
Defendants.)

CIVIL ACTION NO.
2:21cv415-MHT
(WO)

OPINION AND ORDER

On June 15, 2021, petitioner-plaintiff Greg E. Lindberg, a federal prisoner currently incarcerated in the Federal Prison Camp in Montgomery, Alabama, filed this action seeking, among other things, emergency-habeas relief and, in the alternative, preliminary-injunctive relief, allowing him to attend a civil bench trial set to begin on June 21 in state court in North Carolina. On June 18, the United States Magistrate Judge entered a recommendation that

Lindberg's petition for emergency-habeas relief and alternative motion for preliminary injunction be denied. The magistrate judge gave Lindberg until June 28, seven days *after* the start of the bench trial, to file objections to the recommendation. Therefore, on that same day, June 18, this court entered an order "that, to the extent petitioner Greg E. Lindberg seeks emergency or preliminary injunctive relief from the court *before* June 21, 2021, he shall file any objections to the report and recommendation of the United States Magistrate Judge by 5:00 p.m. today." Order (Doc. 19) (emphasis added). No objections were filed in response to the court's June 18 order.

After an independent and *de novo* review of the record, and based on the reasons set forth in the government's response (Doc. 17) and the recommendation (Doc. 18), the court concludes that the magistrate judge's recommendation should be adopted to the extent that Lindberg seeks emergency-habeas or

preliminary-injunctive relief from the court before June 21. Lindberg still has until June 28, when the magistrate judge's recommendation goes under final submission, to file objections.

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The United States Magistrate Judge's recommendation (Doc. 18) is adopted to the extent that petitioner-plaintiff Greg E. Lindberg seeks emergency-habeas and alternative preliminary-injunctive relief from the court before June 21, 2021.

(2) The petition for writ of habeas corpus (Doc. 1) is denied to the extent that petitioner-plaintiff Lindberg seeks emergency-habeas relief from the court before June 21, 2021.

(3) The motion for preliminary injunction (Doc. 1) is denied to the extent petitioner-plaintiff Lindberg

seeks preliminary-injunctive relief from the court before June 21, 2021.

(4) As to the final submission of the magistrate judge's recommendation (Doc. 18); the final submission of petitioner-plaintiff Lindberg's petition for writ of habeas corpus (Doc. 1) to the extent he seeks emergency-habeas relief; and the final submission of petitioner-plaintiff Lindberg's motion for preliminary injunction (Doc. 1), petitioner-plaintiff Lindberg still has until June 28, 2021, to file objections, as allowed by the magistrate judge.

This case is not closed.

DONE, this the 19th day of June, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE