

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

HUGO CIMADEVILLA,)	
)	
Petitioner,)	
)	
v.) CIVIL ACTION NO	١.
) 1:13-cv-01209-MHF	I-JEO
)	
JOHN RATHMAN, Warden,)	
)	
Respondent.)	

MEMORANDUM OPINION

This is an action on a habeas corpus petition filed pursuant to 28 U.S.C. § 2241 by a federal prisoner acting *pro se*, Hugo Cimadevilla. (Doc. 1). Cimadevilla challenges the career offender enhancement imposed on him by the sentencing court. The magistrate judge entered an order to show cause, requiring the Government to respond. (Doc. 6). The Government responded that the petition is due to be dismissed for lack of jurisdiction. (Doc. 8). On September 2, 2014, the magistrate judge entered a report recommending that Cimadevilla's petition be denied because his claim is procedurally barred from review under 28 U.S.C. § 2255. (Doc. 11). Cimadevilla has filed no objections to the magistrate judge's report.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, Cimadevilla's petition for a writ of habeas corpus pursuant to § 2241

References herein to "Doc(s). ___" are to the document numbers assigned by the Clerk of the Court to the pleadings, motions, and other materials in the court file, as reflected on the docket sheet in the court's Case Management/Electronic Case Files system.

is due to be DISMISSED for lack of jurisdiction. See Bryant v. Warden, 738 F.3d 1253 (11th Cir.

2013). A separate final judgment will be entered.

DONE, this the 1st day of December, 2014.

MADELINE HUGHES HAIKALA

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U.S. DISTRICT JUDGE