

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

ANTHONY J. KLATCH, II,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NOS.
	)	1:13-cv-01452-WMA-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*, Anthony J. Klatch, II (“Klatch”). (Doc.<sup>1</sup> 1 (“Petition” or “Pet.”)). Klatch challenges a decision of the Federal Bureau of Prisons (“BOP”) to grant him less than the maximum 12 months authorized in a halfway house under 18 U.S.C. § 3624(c)(1). The Government filed a response in opposition, arguing that this court lacks jurisdiction because Klatch failed to exhaust administrative remedies. (Doc. 12). On January 3, 2014, the magistrate judge entered a report concluding that failure to exhaust such remedies is not a jurisdictional defect. (Doc. 15). Nonetheless, the magistrate judge recommended that, regardless of whether Klatch had exhausted administrative remedies, his habeas petition is due to be denied because his claims fail on the merits. (*Id.*) No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge’s findings and recommendation, the court is of the opinion that

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<sup>1/</sup> 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.

the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, Klatch's petition for a writ of habeas corpus pursuant to § 2241 is due to be DENIED. A separate final judgment will be entered.

DONE this the 10th day of February, 2014.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE