

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

CALVIN S. CUMMINGS,)	
)	
Petitioner,)	
)	
v.)	1:18-cv-01850-RDP-JHE
)	
B.H. ROMERO,)	
)	
Respondent.)	


MEMORANDUM OPINION

This is a petition for a writ of habeas corpus action filed pursuant to 28 U.S.C. § 2241 by petitioner Calvin S. Cummings on or about November 8, 2018. (Doc. 1). Cummings asserted poor testing procedures resulted in a “false positive” for amphetamine on paper in his possession and thus the disciplinary action against him was unfounded. (Doc. 1 at 2; Doc. 13 at 2-3, 7). On November 15, 2019, the Magistrate Judge to whom the case was referred entered a report and recommendation that habeas relief be denied. (Doc. 14). Although the Magistrate Judge advised the parties of their right to file objections to the report and recommendation, no objections have been filed and the time for doing so has expired.

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 findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the respondent's motion for summary dismissal is due to be **GRANTED** and this petition for writ of habeas corpus **DISMISSED WITH PREJUDICE**.

DONE and **ORDERED** this December 10, 2019.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE