

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

JERMAINE HALL,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 2:17-cv-00731-MHH-SGC
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

On October 20, 2017, the magistrate judge entered a report in which she recommended that the Court dismiss petitioner Jermaine Hall’s 28 U.S.C. § 2241 petition for writ of habeas corpus because Mr. Hall has not been incarcerated in this district, and therefore, the Court does not have jurisdiction over the petition. (Doc. 3).<sup>1</sup> The magistrate judge informed Mr. Hall of his right to object within 14 days. (Doc. 3, pp. 3-4). To date, Mr. Hall has not filed objections to the report and recommendation.

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A

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<sup>1</sup> In her report, the magistrate judge explained that a court may transfer a § 2241 petition to the proper district court, but the magistrate judge concluded that doing so here would not serve the interests of justice because in this § 2241 action, Mr. Hall seeks to re-litigate § 2255 claims that the sentencing court dismissed as time-barred and without merit. (Doc. 3, pp. 2-3). If Mr. Hall wishes to attempt to pursue his arguments under *Mathis v. v. United States*, --- U.S. ---, 136 S. Ct. 2243 (2016), he must file with the Eleventh Circuit Court of Appeals a request for permission to file a successive § 2255 petition.

district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).<sup>2</sup>

After careful consideration of the record in this case and the magistrate judge's report, the Court **ADOPTS** the report of the magistrate judge and **ACCEPTS** her recommendations. Accordingly, the Court will dismiss without prejudice this petition for writ of habeas corpus for lack of jurisdiction.

The Court will enter a separate final order.

**DONE** and **ORDERED** this December 11, 2017.



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**MADELINE HUGHES HAIKALA**  
**UNITED STATES DISTRICT JUDGE**

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<sup>2</sup> When a party objects to a report in which a magistrate judge recommends dismissal of the action, a district court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. §§ 636(b)(1)(B)-(C).