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

| ALI SINA KARIMI, | ) |  |
| :---: | :---: | :---: |
|  | ) |  |
| Petitioner, | ) |  |
|  | ) |  |
| v. | ) | Case No. 4:12-CV-00669-RDP-RRA |
|  | ) |  |
| ERIC H. HOLDER, | ) |  |
|  | ) |  |
| Respondent. | ) |  |

## MEMORANDUM OF OPINION

The Magistrate Judge filed a Report and Recommendation on April 18, 2012, recommending that Petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2241 (Doc. \# 1) be dismissed. Petitioner filed objections to the Report and Recommendation on May 1, 2012.

Having carefully and independently reviewed and considered de novo all the materials in the court file, including the Report and Recommendation and the objections thereto, the court is of the opinion that the Magistrate Judge's Report is due to be and is hereby ADOPTED and the Recommendation is ACCEPTED. At the time Petitioner filed his $\S 2241$ petition, the six-month presumptively reasonable removal period under Zadvydas v. Davis had not yet expired, so Petitioner cannot state a claim under Zadvydas. See Akinwale v. Ashcroft, 287 F. 3d 1050, 1052 (11th Cir. 2002); Zadvydas v. Davis, 533 U.S. 678, 701 (2001). ${ }^{1}$ Accordingly, Petitioner's petition for writ of habeas corpus is due to be dismissed without prejudice. An appropriate order will be entered.

[^0]The Clerk is DIRECTED to mail a copy of this Memorandum of Opinion to Petitioner.

DONE and ORDERED this $\qquad$ day of May, 2012.


UNITED STATES DISTRICT JUDGE


[^0]:    ${ }^{1}$ As of May 2, 2012, however, that six-month period has expired. The court expresses no opinion as to whether the continued detention of Petitioner beyond May 2, 2012 is reasonable and that issue is not presented in the instant Petition.

