

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

| | | |
|-------------------------|---|--------------------------------|
| ALOYSIUS STEVENS, |) | |
| |) | |
| Petitioner |) | |
| |) | |
| v. |) | Case No. 4:12-cv-01868-KOB-HGD |
| |) | |
| ERIC H. HOLDER, et al., |) | |
| |) | |
| Respondents |) | |

MEMORANDUM OPINION

The petitioner, Aloysius Stevens, an alien subject to a final order of removal, is currently detained in the Etowah County Detention Center in Gadsden, Alabama. The petitioner alleges in his habeas petition that the U.S. Immigration and Customs Enforcement (ICE) has unlawfully detained him for more than six months from the start of his removal period and that no significant likelihood of his removal in the reasonably foreseeable future exists. (Docs. 1 & 2). The petitioner seeks his release pursuant to 28 U.S.C. § 2241.

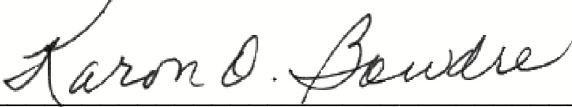
On January 15, 2013, the magistrate judge entered a report recommending that the court deny this habeas petition because the petitioner failed to show that no

significant likelihood of his removal in the reasonably foreseeable future exists. (Doc. 10). Neither party filed any objections.¹

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court ADOPTS the magistrate judge's report and ACCEPTS his recommendations that the court should deny the petition for writ of habeas corpus. The court finds that under the totality of the circumstances in this case, the petitioner's detention is lawful; the petitioner failed to show that no significant likelihood of removal in the reasonably foreseeable future exists.

The court will enter a separate order in conformity with this Memorandum Opinion.

DONE and ORDERED this 5th day of February, 2013.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE

¹ A copy of the report and recommendation mailed to petitioner at his last known address was returned to the court with the notation "Return to Sender—Not Deliverable As Addressed, Unable to Forward—No Longer Here." *See* Doc. 11. Petitioner has not provided the court with an updated address.