

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

RAPHIEL R. DAVIS,)
)
 Petitioner,)
)
 v.)
)
 ERIC HOLDER, Jr., et al.)
)
 Respondents.)

Civil Action Number
4:12-cv-02524-LSC-JEO

MEMORANDUM OPINION

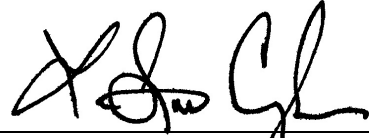
Raphael R. Davis (“Davis” or “Petitioner”) seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to review of the lawfulness of his detention by the United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”) pending his removal to Guyana. (Doc.¹ 1). The magistrate judge to whom the action was referred for preliminary review entered a report recommending that Davis’s habeas petition be denied and that the action be dismissed but without prejudice, allowing Davis to refile after 60 days should the Government still prove unable to remove him assuming his continued cooperation and despite the lack of pending legal proceedings. (Doc. 20). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, Davis’s habeas petition is due to be **DENIED** and that the action is due to be **DISMISSED WITHOUT PREJUDICE**, with leave to allowing Davis to refile after sixty (60)

¹References 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.

days. A separate final order will be entered.

Done this 30th day of May 2013.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

[160704]