

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

| | | |
|--------------------------------|---|-----------------------|
| JOSEPH DANIEL ANTHONY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 4:13-cv-00767-SLB-SGC |
| |) | |
| SCOTT HASSELL, Warden, et al., |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM OPINION

This is a pro se petition for writ of habeas corpus brought by petitioner, Joseph Daniel Anthony (“Petitioner”),¹ pursuant to 28 U.S.C. § 2241. Petitioner challenges his detention by the United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”) pending his removal to Grenada. (Doc. 1). On June 9, 2014, the magistrate judge entered a report and recommendation concluding the petition was due to be dismissed without prejudice to refile. (Doc. 23). Specifically, the magistrate judge recommended Petitioner be allowed to re-file if ICE is unable to remove him within ninety (90) days of dismissal of this case. (*Id.* at 7-8). This recommendation assumed Petitioner’s continued cooperation with ICE’s efforts to remove him. (*Id.*). The parties were allowed an opportunity in which to file objections. (*Id.* at 8). No objections have been received from either party.

Having carefully reviewed and considered *de novo* all the materials in the file, the Court concludes the magistrate judge’s findings are due to be and are hereby **ADOPTED** and her recommendation is **ACCEPTED**. Accordingly, the petition for writ of habeas corpus is due to be

¹As noted in the magistrate judge’s report and recommendation, Petitioner’s name may actually be “Joseph Anthony Daniel.”

DISMISSED WITHOUT PREJUDICE, consistent with the instructions set forth in the report and recommendation.

A final judgment will be entered.

DONE this 21st day of July, 2014.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE