

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

JASON BYRON HARVEY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 5:16-cv-00679-MHH-TMP
)	
ED POTTER, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION

On July 26, 2016, the magistrate judge filed his Report and Recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2241 be dismissed as moot. To date, no objections have been filed by either party. A copy of the Report and Recommendation mailed to the petitioner was returned as undeliverable on August 5, 2016. (Doc. 9).

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 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 (11 th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).¹

¹ 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).

Having reviewed the habeas petition and the report and recommendation, the Court finds no misstatements of law in the report and no plain error in the magistrate judge's description of the relevant state court proceedings. Therefore, the Court adopts the magistrate judge's report and accepts his recommendation. The Court dismisses as moot the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2241 in the above-styled cause. An order of final judgment will be entered.

DONE and ENTERED this 31st day of August, 2016.



MADELINE HUGHES HAIKALA
U.S. DISTRICT JUDGE