

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

ROSALINDA TREVINO ALVAREZ,)	
)	
Petitioner,)	
)	
v.)	Case No. 7:20-cv-1225-MHH-SGC
)	
CHAD GARRETT,)	
)	
Respondent.)	

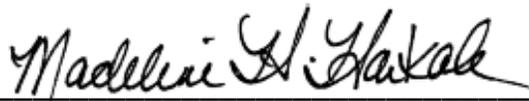
MEMORANDUM OPINION

On June 22, 2021, the magistrate judge entered a report, (Doc. 11), in which she recommended that the Court dismiss Rosalinda Trevino Alvarez’s petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241, (Doc. 1), and deny Ms. Alvarez’s motion for preliminary injunction and TRO, (Doc. 8) and her motion to amend her petition and add new evidence of medical illness, (Doc. 9). Although the magistrate judge advised the parties of their right to file specific written objections within 14 days, the Court has not received objections.

Having considered the materials in the Court’s electronic docket, including the report and recommendation, the Court grants Ms. Alvarez’s motion to amend her petition, (Doc. 9), but denies her petition for writ of habeas corpus in which she seeks a directive for home confinement because of the threat of COVID at Aliceville FCI, the facility where she is serving her federal sentence of incarceration. The Court

understands Ms. Alvarez's concerns but agrees with the magistrate judge's finding that the vehicle for the relief Ms. Alvarez seeks is a motion for compassionate release pursuant to 18 U.S.C. § 3582 in the sentencing court in the Western District of Texas. If Ms. Alvarez wishes to challenge a denial of a motion for compassionate release, she must appeal the order denying her motion in the Fifth Circuit Court of Appeals; she may not collaterally attack the order by way of a habeas petition. By separate order, the Court will dismiss Ms. Alvarez's habeas petition. Because the Court is dismissing this matter, Ms. Alvarez's motion for preliminary injunction and TRO, (Doc. 8), is moot.

DONE and **ORDERED** this July 16, 2021.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE