

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

JEROD EMMANUEL McCULLOCK v. *KATRINA KANE*

THE HONORABLE JOHN W. SEDWICK

CASE NO. 2:07-CV-02274 (JWS)

PROCEEDINGS: **ORDER FROM CHAMBERS**

Date: January 6, 2009

Petitioner filed a petition pursuant to 28 U.S.C. § 2241 seeking release from custody. The matter was briefed. In a report at docket 21, the magistrate judge recommended that the petitioner be released unless respondent provided petitioner with a bond hearing within 60 days. Petitioner did provide such a hearing and then filed a suggestion that the petition was moot. The matter was referred back to the magistrate judge. Following additional briefing in which it became clear that petitioner had filed an administrative appeal of the amount of the bond set at the bond hearing, Magistrate Judge Voss filed an amended report and recommendation at docket 25 in which he recommends that the petition be dismissed without prejudice, because the court lacks jurisdiction to review the amount of the bond established at the bond hearing. No objections to that recommendation have been filed.

In a matter of this sort, the district judge reviews the recommendation from the magistrate judge according to the following standards. Recommended findings of fact as to which an objection is taken and all recommended conclusions of law are reviewed *de novo*. Recommended findings of fact as to which no objection is taken are reviewed for clear error. Having applied those standards here, this court adopts the report and recommendation at docket 25 modifying the report and recommendation at docket 21. Based thereon, the petition is **DISMISSED** without prejudice.
