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

ROBERT CARTER,

Petitioner,

vs.

DAVID DUNCAN,

Respondent.

) No. CV 09-590-TUC-AWT (CRP)

) **ORDER**

_____)
Pending before the Court is a Petition for Writ of Habeas Corpus brought pursuant to 28 U.S.C. § 2241. Petitioner Robert Carter, presently serving a three-year term of supervised release after his incarceration for tax and mail fraud, filed the Petition on October 14, 2009 while in custody at the Federal Correctional Institution in Safford, Arizona (Doc. 1). Respondent answered the Petition on November 25, 2009 (Doc. 8). On July 13, 2010, Petitioner was released from incarceration and began his term of supervised release. On September 30, 2010, the Court ordered additional briefing on the issue of whether the Petition became moot when Petitioner was released from incarceration (Doc. 14), and the parties subsequently filed their supplemental briefing (Docs. 15, 16).

On April 6, 2011, after a thorough and well-documented analysis, Magistrate Judge Pyle issued a Report and Recommendation (“R&R”) to this Court (Doc. 20). Magistrate Judge Pyle recommends that the Habeas Petition be denied as moot because this Court no

1 longer has the power to grant Petitioner the relief he requests—credit for the 27 days of lost
2 good conduct time—as Petitioner has already been released from incarceration. Neither party
3 filed an objection to the R&R. When there are no objections to the R&R, the Court will
4 modify or set aside only those portions that are clearly erroneous or contrary to law. *See* 28
5 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739
6 (7th Cir. 1999); *Conley v. Crabtree*, 14 F.Supp.2d 1203, 1204 (D. Or. 1998). The Court has
7 carefully reviewed the entire record and concludes that Magistrate Judge Pyle’s
8 recommendations are not clearly erroneous or contrary to law.

9 Accordingly,

10 **IT IS ORDERED** that the findings and recommendations made by Magistrate
11 Judge Pyle in his Report and Recommendation (Doc. 20) are **ADOPTED IN WHOLE**.

12 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus
13 pursuant to 28 U.S.C. § 2241 (Doc. 1) is **DENIED** as moot and this action is
14 **DISMISSED WITH PREJUDICE**. The Clerk of Court is directed to enter judgment
15 accordingly and dismiss this case.

16 **IT IS FURTHER ORDERED** that Petitioner’s Motion filed February 25, 2011
17 (Doc. 19), essentially asking the Court to rule on the Petition, is **DENIED** as moot.

18 **IT IS FURTHER ORDERED** that the Clerk of Court shall mail a copy of this
19 Order to Robert Carter at: 1250 Park Ave. W. #406, Highland Park, IL 60035.

20 DATED this 22nd day of June, 2011.

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23 A. Wallace Tashima
24 United States Circuit Judge
25 Sitting by Designation
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