

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Robert Meeks,)	No. CV 10-0071-TUC-RCC (CRP)
)	
Petitioner,)	ORDER
)	
vs.)	
)	
Conrad M. Graber,)	
)	
Respondent.)	
)	

Petitioner Robert Meeks, who is confined in the Federal Correctional Institution-Safford, filed an Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Docs. 10, 12). On August 31, 2011, the Honorable Charles R. Pyle, United States Magistrate Judge, filed a Report and Recommendation ("Recommendation") in this action. (Doc. 33). The Recommendation advised the Court to DENY the Amended Petition for Writ of Habeas Corpus.

Petitioner thereafter filed objections to the Recommendation. (Doc. 35). Petitioner argues in his Petitioner and objections that Johnson v. United States, 130 S.Ct. 1265 (2010), represents newly decided that renders him actually innocent of twice violating 28 U.S.C. § 924(c). Magistrate Judge Pyle disagreed because Johnson's holding was limited to construing language in 28 U.S.C. § 924(e) and is inapposite to this case. He further concluded the Court does not have jurisdiction to entertain this Petition because Petitioner's claim does not fall within the savings clause of § 2241.

