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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MARLON THOMAS,
Petitioner,
vs.
CONRAD M. GRABER, WARDEN,
Respondent.

No. CIV 10-602-TUC-CKJ

ORDER

On April 6, 2012, Magistrate Judge Hector C. Estrada issued a Report and Recommendation (Doc. 11) in which he recommends the Petition under 28 U.S.C. § 2241 for a Writ of Habeas Corpus be dismissed and denied. The magistrate judge advised the parties that any written objections were to be served and filed within 14 days of being served with a copy of the Report and Recommendation. No objections to the Report and Recommendation have been filed.

After an independent review, the Court finds it appropriate to dismiss Petitioner's request for reclassification for failure to exhaust. Moreover, to the extent that Petitioner's reclassification claim rises and falls with his due process challenge to the disciplinary proceedings, such claim is moot given that Petitioner received all due process safeguards required in prison disciplinary proceedings. Additionally, the Court finds it appropriate to deny with prejudice Petitioner's due process challenge regarding the disciplinary decision.

Accordingly, IT IS ORDERED:

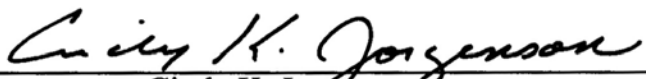
1. The Report and Recommendation (Doc. 11) is ADOPTED.

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2. The Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 is
DISMISSED for failure to exhaust administrative remedies and DENIED WITH
PREJUDICE.

3. The Clerk of the Court shall enter judgment and shall then close its file in this
matter.

DATED this 3rd day of May, 2012.



Cindy K. Jorgenson
United States District Judge