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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Raymond Shelton,)	No. CV 11-444-TUC-FRZ
Petitioner,)	
vs.)	ORDER
Craig Apker, Warden,)	
Respondent.)	

Before the Court for consideration is Petitioner Raymond Shelton’s Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. Petitioner, who is currently serving a 168-month sentence for conspiracy to distribute narcotics and weapons-related charges, filed this action while confined in the Federal Correctional Institution in Tucson, Arizona (FCI-Tucson).

Petitioner claims that prison staff made false statements in an Incident Report and that his due process and equal protection rights were denied during the disciplinary hearing. Petitioner challenges the finding of the discipline hearing officer, that Petitioner engaged in fighting with another inmate, and the resulting sanction of 27 days of loss of good conduct time, 15 days of disciplinary segregation, and 3 months loss of commissary. Petitioner requests that the incident report at issue be removed from his file and that all privileges, including the 27 days of lost good time credit be restored.

This matter was referred to Magistrate Judge Charles R. Pyle, pursuant to the provisions of 28 U.S.C. § 636(b), Rule 72, Fed.R.Civ.P., and Local Rules 72.1 and 72.2 of

1 the Rules of Practice of the United States District Court for the District of Arizona, for
2 further proceedings and report and recommendation.

3 Magistrate Judge Pyle issued his Report and Recommendation, recommending that
4 the Court, after its independent review of the record, enter an order denying the application
5 for habeas relief. The Report and Recommendation sets forth the factual and procedural
6 history of the disciplinary action at issue.

7 The Report and Recommendation, filed December 14, 2012, advised the parties that
8 they may serve and file written objections pursuant to Rule 72(B)(2), within fourteen days
9 of being served with a copy of the Report and Recommendation, and that if objections were
10 not timely filed, they may be deemed waived.

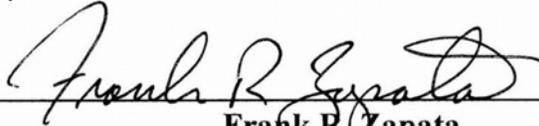
11 No objections were filed.

12 After consideration of the matters presented and an independent review of the record
13 herein, the Court finds that the Report and Recommendation shall be adopted, thereby
14 denying the Application for Writ of Habeas Corpus. Accordingly,

15 IT IS ORDERED that Magistrate Judge Pyle's Report and Recommendation (Doc.
16 19) is hereby ACCEPTED AND ADOPTED as the findings of fact and conclusions of law
17 by this Court;

18 IT IS FURTHER ORDERED that the Application for Writ of Habeas Corpus Pursuant
19 to 28 U.S.C. § 2241 is hereby DENIED; judgment shall be entered accordingly.

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21 DATED this 3rd day of July, 2013.

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23 
24 **Frank R. Zapata**
25 **Senior United States District Judge**
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