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

Martin Sanchez-Alaniz,  
  
Petitioner,  
  
v.  
  
Craig Apker,  
  
Respondent.

No. CV-14-00324-TUC-RCC  
**ORDER**

Pending before the Court is Magistrate Judge Macdonald’s Report and Recommendation (R & R) (Doc. 60). For the reasons stated below, this Court accepts and adopts Magistrate Judge Macdonald’s R & R and denies Martin Sanchez-Alaniz’s<sup>1</sup>, First Amended Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus, denies as moot Petitioner’s Motion for Summary Judgment; denies Petitioner’s Motion to Strike; and denies Petitioner’s Motion for Waiver of Form Requirements.

**I. Background**

The factual and procedural background in this case is thoroughly detailed in Magistrate Judge Macdonald’s R & R (Doc. 60). This Court fully incorporates by reference the Procedural and Factual Background sections of the R & R into this Order.

**II. Discussion**

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<sup>1</sup> As Judge Macdonald notes, the Court docket spells Petitioner’s name as “Martin Sanchez Alanis” however, the Federal Bureau of Prisons (“BOP”) list Petitioner as “Martin Sanchez-Alaniz.” See BOP Inmate Locator, available at <http://www.bop.gov/inmateloc/> (last visited August 26, 2015). For consistency with BOP, the Court adopts the latter spelling.

1           Where the parties object to an R & R, “[a] judge of the [district] court shall make a  
2 de novo determination of those portions of the [R & R] to which objection is made.” 28  
3 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). As an initial matter,  
4 Respondents note in their reply to Petitioner’s Objections that Petitioner’s objections to  
5 the R & R are untimely by two days (Doc. 62). Additionally, Petitioner’s reply to  
6 Respondent’s response also appears to be untimely (Doc. 65). Nevertheless, this Court  
7 has reviewed the full record and finds no substantial error, clear or otherwise, in Judge  
8 Macdonald’s dismissal of the Petition.

9           In his Objection to the R & R, Sanchez-Alaniz argues that the Bureau of Prisons  
10 cannot forfeit more than 54 “non-vested good time credits” in a 12 month period (Doc. 61  
11 at 2). However, as Judge Macdonald notes, Petitioner has not pointed to any rules,  
12 regulations or other authority stating that forfeiting 54 days per 12 month period is a  
13 statutory maximum (Doc. 60 at 24-27). Petitioner also argues that his due process  
14 protections required under *Wolff v. McDonnell*, 418 U.S. 539, 557 (1974), were violated  
15 because Petitioner did not receive an explanation as to why he lost more than 54 days in a  
16 12 month period. However, Judge Macdonald correctly notes that Petitioner received all  
17 of the due process requirements under *Wolff* because Petitioner received advanced written  
18 notice of the charges, had the opportunity to call witnesses and present evidence, had the  
19 opportunity to have a staff representative, received a statement of the evidence prison  
20 officials relied upon, and received the reasons for the disciplinary actions (Doc. 60 at 27).  
21 Petitioner’s reply to Respondent’s response simply reiterates his objections. Because  
22 Petitioner’s arguments are without merit and do not change the outcome, his Writ of  
23 Habeas Corpus by a Person in Federal Custody is denied.

24           Petitioner’s Motion for Summary Judgment is denied as moot because it is without  
25 merit and the motion is identical to Petitioner’s reply.

26           Petitioner’s Motion to Strike is also denied. This Court finds Petitioner’s  
27 arguments that BOP falsified records to be without merit.

28           Petitioner’s Motion to Waive Form Requirements is also denied. The Court adopts

1 the R & R finding that Petitioner has been able to adequately address his claims  
2 throughout this litigation (Doc. 60 at 29).

3 Accordingly,

4 **IT IS HEREBY ORDERED** that Magistrate Judge Macdonald's Report and  
5 Recommendation (Doc. 60) is **accepted** and **adopted** as the findings of fact and  
6 conclusions of law by this Court.

7 **IT IS FURTHER ORDERED** that Petitioner's First Amended Petition Under 28  
8 U.S.C. § 2241 for a Writ of Habeas Corpus by a Person in Federal Custody (Doc. 18) is  
9 **denied**.

10 **IT IS FURTHER ORDERED** that Petitioner's Motion for Summary Judgment is  
11 **denied as moot**.

12 **IT IS FURTHER ORDERED** that Petitioner's Motion to Strike (Doc. 51) is  
13 **denied**.

14 **IT IS FURTHER ORDERED** that Petitioner's Motion for Waiver of Form  
15 Requirements (Doc. 58) is **denied**.

16 **IT IS FURTHER ORDERED** the Clerk of the Court is directed to close this file  
17 and enter judgment.

18 Dated this 4th day of September, 2015.

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23 Raner C. Collins  
24 Chief United States District Judge  
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