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

Keith Allen Grasdalen,  
Petitioner,  
v.  
J.T. Shartle,  
Respondent.

No. CV 15-0299-TUC-JGZ (BGM)

**ORDER**

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Bruce G. Macdonald that recommends dismissing Petitioner Grasdalen’s Petition for Writ of Habeas Corpus, dismissing Petitioner’s Motion Seeking Gratuities, dismissing Petitioner’s Motion for Compliance Regarding Gratuities, and denying Respondent’s Motion to Dismiss Petition. (Doc. 31.) No objection to the Report and Recommendation was filed by Petitioner.<sup>1</sup> “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72, Adv. Comm. Notes to 1983 Am.

The Court has reviewed the record and concludes that Magistrate Judge Macdonald’s recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998). As explained by

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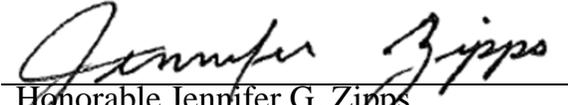
<sup>1</sup> The Court notes that Petitioner did not receive the Report and Recommendation, which was sent to Plaintiff at USP-Tucson on May 31, 2016, but was returned as undeliverable. Petitioner was released from Bureau of Prisons custody on April 14, 2016. *See* BOP Inmate Locator, available at <https://www.bop.gov/inmateloc/>. Petitioner has a duty to file a notice of change of address with the Court, but since his release has not done so. (Doc. 9, p. 3.)

1 Magistrate Judge Macdonald, this Court lacks jurisdiction to review discretionary  
2 determinations made by the Bureau of Prisons pursuant to 18 U.S.C. §§ 3621-3624. *Reeb*  
3 *v. Thomas*, 636 F.3d 1224, 1226-27 (9th Cir. 2011); *see* 18 U.S.C. § 3625.

4 Accordingly, IT IS ORDERED as follows:

- 5 1. The Report and Recommendation (doc. 31) is accepted and adopted;
- 6 2. Petitioner Grasdalen's Amended Petition for Writ of Habeas Corpus (doc. 10)  
7 is DISMISSED for lack of jurisdiction;
- 8 3. Petitioner's Motion for Order re: Gratuities (doc. 26) and Motion to Comply  
9 (doc. 28) are DISMISSED for lack of jurisdiction;
- 10 4. Respondent's Motion to Dismiss Petition (doc. 30) is DENIED;
- 11 5. The Clerk of the Court is directed to close the case.

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13 Dated this 3rd day of August, 2016.

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16 Honorable Jennifer G. Zippo  
17 United States District Judge  
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