

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION**

**ANDY PIERRE**

**PLAINTIFF**

**v.**

**No. 2:11-cv-182-DPM**

**T.C. OUTLAW, Warden,  
FCI - Forrest City**

**DEFENDANT**

**ORDER**

Pierre has not objected to Magistrate Judge Beth Deere's Recommended Disposition. Reviewing for clear factual error and for legal error, FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes), the Court adopts the recommendation with two additional notes.

First, after Judge Deere entered her recommendation, Judge Hurley in the Southern District of Florida denied Pierre's petition on procedural grounds. *United States v. Pierre*, No. 9:99-cr-8091-DTKH-2, *Docket Entry 196*. But as Judge Deere noted, this procedural bar to his section 2255 claim does not justify relief under section 2241. *United States v. Lurie*, 207 F.3d 1075, 1077 (8th Cir. 2000). Second, Pierre has since paid his filing fee. *Document No. 4*.

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Recommended Disposition, *Document No. 2*, adopted as supplemented.

Pierre's petition for a writ of habeas corpus is dismissed without prejudice.

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

30 Nov. 2011