

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

**COLE JOHN
DAUGHENBAUGH**

PETITIONER

v.

Case No. 2:17-cv-00088-KGB/JTR

G. BEASLEY, Warden

RESPONDENT

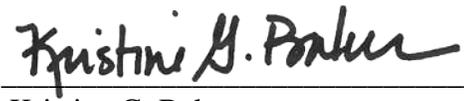
ORDER

The Court has received the Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray (Dkt. No. 3). Plaintiff Cole John Daughenbaugh filed an untimely objection to the Recommended Disposition (Dkt. No. 4). After careful consideration of the Recommended Disposition, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects (Dkt. No. 3). Even if this Court considers the untimely objection, Mr. Daughenbaugh presents no new record evidence or legal argument in his objection. If the Court considers the untimely objection, along with Judge Ray's Recommended Disposition and the record as a whole, the Court concludes, like Judge Ray, that it lacks subject matter jurisdiction under 28 U.S.C. § 2241 to consider Mr. Daughenbaugh's challenge to the sentence imposed by the United States District Court for the Southern District of Iowa.

It is therefore ordered that:

1. Mr. Daughenbaugh's petition for writ of *habeas corpus* is dismissed without prejudice, and the requested relief is denied (Dkt. No. 1).
2. A certificate of appealability is denied.

So ordered this the 10th day of January, 2018.

Handwritten signature of Kristine G. Baker in black ink.

Kristine G. Baker
United States District Judge