



1 magistrate judge also found Petitioner did not exhaust his administrative remedies, and that if had  
2 he done so “the BOP would have advised him of his immigration status and his ineligibility for  
3 application of FTCs pursuant to 18 U.S.C. § 3632(d)(4)(E)(i).” (*Id.* at 4.) Consequently, the  
4 magistrate judge recommended the petition be dismissed. (*Id.* at 5.)

5 The Court served the Findings and Recommendations on Petitioner and notified him that  
6 any objections were due within 21 days. (Doc. 25 at 6.) The Court advised Petitioner the “failure  
7 to file objections within the specified time may waive the right to appeal the Order of the District  
8 Court.” (*Id.*, citing *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).) Petitioner did not file  
9 objections, and the time to do so has passed.

10 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
11 Having carefully reviewed the entire matter, the Court concludes the Findings and  
12 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 13 1. The Findings and Recommendations issued on May 9, 2024 (Doc. 25) are  
14 **ADOPTED** in full.
- 15 2. Respondent’s motion to dismiss (Doc. 12) is **GRANTED**.
- 16 3. The petition for writ of habeas corpus is **DISMISSED**.
- 17 4. The Clerk of Court is directed to enter judgment and close the case.

18 In the event a notice of appeal is filed, no certificate of appealability is required.<sup>1</sup>

19  
20 IT IS SO ORDERED.

21 Dated: June 6, 2024

  
UNITED STATES DISTRICT JUDGE

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27 <sup>1</sup> A certificate of appealability will not be required because this is an order denying a petition for writ of habeas  
28 corpus pursuant to 28 U.S.C. § 2241, not a final order in a habeas proceeding in which the detention complained of  
arises out of process issued by a state court. *Forde v. U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997); *see Ojo*  
*v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th Cir. 1996).