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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYNE SIMPSON,

Petitioner,

No. CIV S-06-2763 WBS KJM P

vs.

RICHARD B. IVES,

Respondent.

ORDER

_____/

Petitioner, a United States prisoner proceeding pro se, has filed a petition for a writ of habeas corpus based on 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On December 8, 2009, the magistrate judge filed findings and recommendations herein, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Respondent has not filed objections. Although petitioner has not filed anything specifically titled “Objections,” on December 18, 2009, he filed a document entitled “Motion To Vacate The Unconstitutional Portion of Sentence.” There is nothing in this document that reasonably calls into question anything in the magistrate judge’s finding and recommendations. Therefore, to the extent petitioner’s “Motion . . .” is intended to constitute objections to the findings and


1 recommendations, they are not well taken. Furthermore, the court has reviewed the file and
2 finds the findings and recommendations to be supported by the record and by the magistrate
3 judge's analysis.

4 To the extent petitioner's "Motion . . ." may be construed as an amended petition
5 for writ of habeas corpus, the court does not consider the petition because petitioner was not
6 given leave to amend. Even if petitioner were granted leave to amend, there is nothing in the
7 motion suggesting petitioner would be entitled to habeas relief. As noted in the findings and
8 recommendations, petitioner's claims concern the fact that he was ordered to serve a term of
9 mandatory supervised relief. December 8, 2009 Findings and Recommendations at 1:20-2:3. In
10 his most recent pleading he continues to attack the supervised relief term included as a part of his
11 sentence. An action based on 28 U.S.C. § 2241 is not the proper action, and this is not the
12 proper forum, for petitioner's claims. December 8, 2009 Findings and Recommendations at 2:4-
13 10.

14 Therefore, in accordance with the above, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations filed December 8, 2009 are adopted in full;
16 and
17 2. Petitioner's application for writ of habeas corpus under 28 U.S.C. § 2241 is
18 denied.

19 DATED: February 2, 2010

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22 WILLIAM B. SHUBB
23 UNITED STATES DISTRICT JUDGE
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