

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 08-cv-01844-LTB-CBS

SOLOMON BEN-TOV COHEN MA (CANTAB),

Applicant,

v.

MICHAEL MUKASEY, Attorney General of the United States,

Respondent.

ORDER

In this 28 U.S.C. § 2241 proceeding, the Magistrate Judge recommends that (1) Respondent's Motion to Dismiss for Lack of Jurisdiction and for Failure to State a Claim (Doc 19) be granted; (2) Applicant's request for an injunction (Doc 25) be denied; (3) Applicant's Complaint (Doc 33) (docketed as "Motion for Remand to the United States Supreme Court") be denied; and (4) Applicant's Amended Applicant for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Doc 3) be denied and this action be dismissed.

On April 22, 2009, Applicant filed his pleading titled "Omnibus Motion" and a response to it was filed May 4, 2009. Then on April 27, 2009, Applicant filed his "Supplemental Filing".

I construe Applicant's Omnibus Motion and Supplemental Filing in part as specific and timely written objections to the Magistrate Judge's recommendation. I therefore consider the recommendation *de novo* in light of the file and record in this case. On *de novo* review, I conclude that the thorough and comprehensive analysis underlying the Magistrate Judge's recommendation is correct.

To the extent Applicant moves to remove Michael Mukasey as a named respondent and to substitute Warden Theresa Hunt, Warden of GEO-ICE Detention Facility, Aurora, Colorado, I will grant that motion. To the extent Applicant seeks to supplement the record with certain information set forth in either the Omnibus Motion or the Supplemental Filing, I find and conclude that such information is wholly irrelevant. Finally, Applicant seeks review of a prior denial of his Motion to Appoint Counsel.

Accordingly, it is ORDERED as follows:

1. Applicant's request to amend caption is GRANTED and Warden Theresa Hunt, Warden of GEO-ICE Detention Facility, Aurora, Colorado, is the only named Respondent;
2. The motion to supplement by filing addition evidence is DENIED including any "evidence" set forth in the Supplemental Filing;
3. The motion to reconsider denial of appointment of counsel is DENIED;
4. Respondent's Motion to Dismiss for Lack of Jurisdiction and for Failure to State a Claim (Doc 19) is GRANTED;
5. Applicant's "Request for an Injunction" (Doc 25) is DENIED;
6. Applicant's "Complaint" (Doc 33) (docketed as a "Motion for Remand to the United States Supreme Court") is DENIED;
7. Applicant's Amended Applicant for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Doc 3) is DENIED and this action is DISMISSED.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: June 22, 2009