

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

ERNEST MALLEY,

Petitioner,

v.

CASE NO. 3:17cv730/MCR/CJK

U.S. DEPARTMENT OF JUSTICE, et al.,

Respondents.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated October 13, 2017. ECF No. 3. Petitioner has been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of those portions to which an objection has been made.

Having considered the Report and Recommendation and all objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation, ECF No. 3, is adopted and incorporated by reference in this Order.
2. The petition for writ of habeas corpus filed under 28 U.S.C. § 2241, ECF No. 1, is DISMISSED for lack of jurisdiction, as petitioner has not demonstrated entitlement to proceed under § 2241.
3. The clerk is directed to close the file.

DONE AND ORDERED this 16th day of November 2017.

s/ *M. Casey Rodgers*
M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE