

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

MOZART NOEL,

Petitioner,

v.

CASE NO. 4:13-cv-249-MW/CAS

SHERIFF CHARLES CREEL,

Respondent.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION**

The Court has considered the Magistrate's Report and Recommendation, ECF No.17, filed July 8, 2013. Upon consideration,

IT IS ORDERED:

The report and recommendation is **accepted and adopted** as the Court's opinion. The Clerk shall enter judgment stating, "The amended §2241 petition filed by Mozart Emmanuel Noel, ECF No. 15, is **DISMISSED** as prematurely filed, Petitioner having failed to demonstrate that he was entitled to relief pursuant to *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L.Ed 2d 653 (2001), and

because mandatory detention without a bond hearing is authorized under §1226(c) and *Demore v. Kim*, 538 U.S. 510, 513, 123 S.Ct. 1708, 1712 (2003).”

The Court would note that Petitioner has failed to keep the Court informed of his location as evidenced by returned mail to the Clerk.

The Clerk shall close the file.

SO ORDERED on August 8, 2013.

s/Mark E. Walker
United States District Judge