

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

CAROLINA CHAVARRIAGA,

Petitioner,

v.

CASE NO. 4:18cv206-RH/CAS

WARDEN COIL,

Respondent.

_____ /

ORDER DENYING THE PETITION

This petition for a writ of habeas corpus under 28 U.S.C. § 2241 is before the court on the magistrate judge's report and recommendation, ECF No. 24. No objections have been filed. The report and recommendation correctly concludes that the petition should be denied. The report and recommendation's analysis of the merits is adopted as the court's opinion.

The report and recommendation also correctly concludes that the petitioner has not the standards that govern certificates of appealability. But that does not matter, because "a federal prisoner does not need a COA to appeal the denial of a § 2241 petition." *Flint v. United States*, 462 F. App'x 876, 878 (11th Cir. 2012).

Every circuit that has addressed this question has agreed. *See, e.g., Murphy v. United States*, 199 F.3d 599, 601 n.2 (2d Cir. 1999) (“Because petitioner is a federal prisoner and effectively filed his petition pursuant to [] § 2241, the Antiterrorism and Effective Death Penalty Act’s certificate of appealability requirement does not apply to him.”); *Sugarman v. Pitzer*, 170 F.3d 1145, 1146 (D.D.C. 1999); *McIntosh v. U.S. Parole Comm’n*, 115 F.3d 808, 810 n.1 (10th Cir. 1997); *Forde v. U.S. Parole Comm’n*, 114 F.3d 878, 879 (9th Cir. 1997); *Ojo v. INS*, 106 F.3d 680, 681 (5th Cir. 1997); *Melton v. Hemingway*, 40 F. App’x 44, 45 (6th Cir. 2002); *Lindstrom v. Graber*, 203 F.3d 470, 473 (7th Cir. 2000); *Lara v. Smith*, 206 F. App’x 138, 140 n.1 (2006) (3d Cir. 2006).

For these reasons,

IT IS ORDERED:

1. The report and recommendation is accepted on the merits.
2. The clerk must enter a judgment stating, “The petition is denied with prejudice.”
3. The clerk must close the file.

SO ORDERED on November 6, 2018.

s/Robert L. Hinkle
United States District Judge