

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

THOMAS BURGESS,

Petitioner,

v.

Case No. 5:18cv74-MCR-CJK

WARDEN, FCI Marianna,

Respondent.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated April 4, 2018. ECF No. 4. 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). Having considered the Report and Recommendation, the record, and all timely filed objections, *see* ECF No. 7, the Court has determined that the Report and Recommendation should be adopted.

Additionally, the Court has considered the Petitioner's Motion to Amend, ECF No. 6, which is due to be denied as futile for the same reasons stated in the Report and Recommendation, and the Motion for Expedited Review, ECF No. 5, which is moot.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation, ECF No. 4, 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. Petitioner's Motion to Amend, ECF No. 6, is **DENIED**, and
4. Petitioner's Motion for Expedited Review, ECF No. 5, is **MOOT**.
5. The Clerk is directed to close the file.

DONE AND ORDERED this 19th day of April 2018.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE