

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

DERRICK MARTIN HUNT,
Petitioner,

v.

Case No. 5:23cv320/TKW/MAL

WARDEN, FCI MARIANNA,
Respondent.

ORDER

This case is before the Court based on the magistrate judge's Report and Recommendation (R&R) (Doc. 19). Petitioner did not file an "objection" to the R&R, but he did file a document asserting that "[t]he issue is not moot because I am filing the remedy process as you order on February 13, 2025." *See* Doc. 20. The Court reviewed the issue raised in that filing and its attachment de novo as if it was an objection to the R&R. *See* 28 U.S.C. §636(b)(1); Fla. R. Civ. P. 72(b)(3).

Based on that review, the Court agrees with the magistrate judge's determination that Petitioner's habeas petition should be dismissed for three independent reasons: (1) failure to exhaust administrative remedies with the Bureau of Prisons (BOP); (2) failure to exhaust administrative remedies under the Interstate Agreement on Detainers (IAD); and (3) based on *Younger* abstention. The Court did not overlook the "Attempt at Informal Resolution (Request for Administrative

Remedy)” document attached to Petitioner’s post-R&R filing (Doc. 20 at 2), but that document merely shows that Petitioner *initiated* the BOP administrative remedy process after the R&R was issued—not that he *exhausted* that process before he filed suit as required. Moreover, even if that document was somehow sufficient to overcome the failure to exhaust the BOP administrative remedy process, it would not change the outcome of this case because dismissal would still be warranted for failure to exhaust administrative remedies under the IAD and based on *Younger* abstention.

Accordingly, it is **ORDERED** that:

1. The R&R is adopted and incorporated by reference in this Order.
2. This case is **DISMISSED** for failure to exhaust BOP and IAD administrative remedies and based on *Younger* abstention.
3. The Clerk shall enter judgement in accordance with this Order and close the case file.

DONE AND ORDERED this 7th day of March, 2025.



T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE