

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 17-21052-CIV-GAYLES/WHITE

LACROIX EMMANUEL JAMES,

Petitioner,

v.

**UNITED STATES DEPARTMENT
OF JUSTICE, et al.,**

Respondents. /

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge Patrick A. White’s Report of Magistrate Judge (“Report”) [ECF No. 7]. Petitioner filed a pro se Motion for Stay of Deportation and Motion to Re-Open and Remand [ECF No. 1] (“Petition”). The matter was referred to Judge White, pursuant to 28 U.S.C. § 636(b)(1)(B) and Administrative Order 2003-19 of this Court, for a ruling on all pretrial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF No. 3]. Judge White’s Report recommends that the Court dismiss the motion to stay deportation for lack of jurisdiction or, alternatively, if construed as a habeas petition brought by 28 U.S.C. §2241, be dismissed as premature. Petitioner has failed to timely object to the Report.

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed.

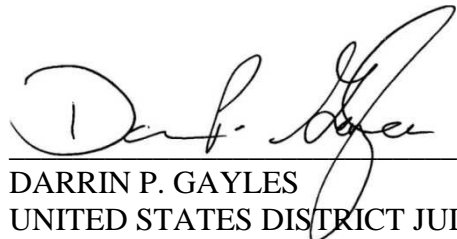
R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

This Court finds no clear error with Judge White's well-reasoned analysis and agrees that Petitioner's claims must be dismissed for lack of jurisdiction.

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge White's Report and Recommendation [ECF No. 7] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) the Petition [ECF No. 1] is **DISMISSED**; and
- (3) this case is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of May, 2017.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE