

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

CASEY KIA TABATABEE, )  
Petitioner, )  
v. ) CIVIL ACTION NO. 5:12-CV-217(MTT)  
U.S. ATTORNEY GENERAL ERIC )  
HOLDER, IMMIGRATION AND )  
CUSTOMS ENFORCEMENT, et al., )  
Respondents. )

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ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Stephen Hyles (Doc. 10) on the Petitioner Casey Tia Tabatabee's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 (Doc. 1). The Petitioner has moved for Reconsideration of the Magistrate Judge's denial of her Motions for an Evidentiary Hearing, to Appoint Counsel, for Discovery and for Miscellaneous Relief. (Doc. 14). The Petitioner has also filed a "Motion to Strike for Sanctions." (Doc. 15).

First, the Magistrate Judge notes that the Petitioner's Petition should be construed as one filed pursuant to 28 U.S.C. § 2254, rather than § 2241. Further, because the Petitioner has a pending § 2254 petition in the United States District Court for the Northern District of Georgia, the Magistrate Judge recommends dismissing the Petition.<sup>1</sup> The Petitioner objects to the Magistrate Judge's recommendation to dismiss his Petition. Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the

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<sup>1</sup> See Tabatabee v. Barrow, 2:12-cv-150-WCO-SSC (N.D. Ga.).

Petitioner's Objection and made a de novo determination of the portions of the Recommendation to which he objects. The Court has reviewed the Petition, the Recommendation and the Petitioner's Objection, and the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court.

Accordingly, the Plaintiff's Petition is **DISMISSED**. (Doc. 1). The Petitioner's Motions to Reconsider and to Strike for Sanctions are deemed **MOOT**. (Docs. 14 and 15).

**SO ORDERED**, this the 7th day of September, 2012.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT