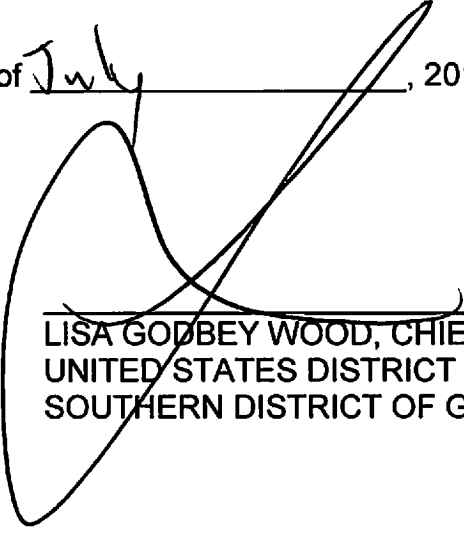


2244(d)(1). In addition, while Diaz's state conviction may have been utilized to determine his sentencing range, there is nothing before the Court indicating that this state conviction was used to enhance his federal sentence. This Court lacks jurisdiction to entertain the merits of Diaz's petition.

Diaz's Objections are **overruled**. The Magistrate Judge's Report and Recommendation, as supplemented herein, is adopted as the opinion of the Court. Diaz's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 24 day of July, 2013.



LISA GOBBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA