

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

JAMES COURY HOLMES,

Petitioner,

v.

JOHN V. FLOURNOY,

Respondent.

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CIVIL ACTION NO.: 2:15-cv-112

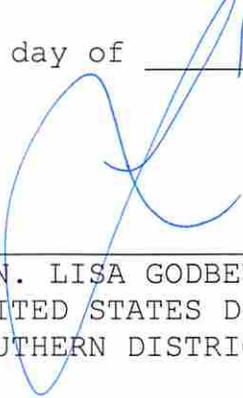
ORDER

Presently before the Court is the Magistrate Judge's August 8, 2017, Report and Recommendation, dkt. no. 26, to which Petitioner James Coury Holmes ("Holmes") filed an Objection, dkt. no. 27. Holmes' Objection reiterates an argument presented in his Petition. Specifically, Holmes argues that the sentencing court failed to order that his restitution was due "immediately" during his sentencing. As a result, Holmes contends the sentencing court improperly delegated its authority to determine his restitution payment schedule to the Bureau of Prisons. As the Magistrate Judge correctly concluded in the Report and Recommendation, Petitioner may not pursue such a

claim via Section 2241, as it concerns the validity of his sentence.

Therefore, after an independent and *de novo* review of the entire record, the Court **CONCURS** with the Magistrate Judge, **ADOPTS** the Report and Recommendation as the opinion of the Court, and **OVERRULES** Holmes' Objection. Consequently, the Court **DISMISSES in part** and **DENIES in part** Holmes' Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241. Additionally, the Court **DENIES** Holmes leave to appeal *in forma pauperis*. The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to CLOSE this case.

SO ORDERED, this 24 day of August, 2017.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA