

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

OMEGA DEMETRIUS DUPONT,

Petitioner,

v.

WARDEN G. SWANEY,

Respondent.

2:24-cv-41

ORDER

The Magistrate Judge issued a Report and Recommendation that the Court grant Respondent's Motion to Dismiss and dismiss Dupont's 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus based on Dupont's failure to exhaust his available administrative remedies. Dkt. No. 17. Dupont filed Objections to the Report and Recommendation. Dkt. No. 18.

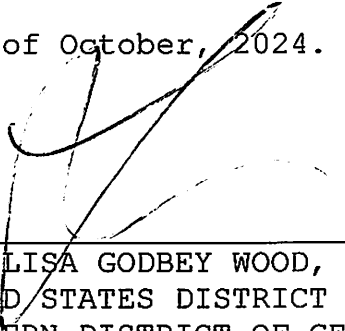
In the Report, the Magistrate Judge concluded Dupont had not exhausted his administrative remedies because his appeal to the Office of General Counsel was rejected as untimely and for failure to comply with submission requirements. Dkt. No. 17 at 7. In his Objections, Dupont asserts he "technically" exhausted his available administrative remedies, noting that Respondent "acknowledged" exhaustion by stating Dupont filed an appeal to the Office of General Counsel. Dkt. No. 18 at 1.

The Magistrate Judge recognized that Dupont attempted to initiate an appeal to the Office of General Counsel but concluded that attempt was insufficient because the appeal was untimely and faulty. Dkt. No. 17 at 7. The Magistrate Judge concluded Dupont could have either resubmitted his appeal or could have appealed the rejection of that appeal. Dupont failed to do either. Thus, the Magistrate Judge rejected Dupont's assertion that he completed the administrative remedies process prior to filing his § 2241 Petition. Dupont fails to show any error in the Magistrate Judge's analysis, and he fails to demonstrate any reason why the Court should not adopt the Magistrate Judge's Report and Recommendation.¹

After an independent and de novo review, I **OVERRULE** Dupont's Objections and adopt the Magistrate Judge's Report and Recommendation. The Court **GRANTS** Respondent's Motion to Dismiss and **DISMISSES without prejudice** Dupont's 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus. I **DIRECT** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal and **DENY** Dupont *in forma pauperis* status on appeal.

¹ The Magistrate Judge noted having a copy of the appeal response from the Office of General Counsel would have been helpful for resolution of the exhaustion issue, though it was not necessary. Dkt. No. 17 at 7. Dupont provided a copy of the appeal response with his Objections. Dkt. No. 18 at 6. That response shows Dupont was notified of the reasons for the rejection of his appeal and was given the opportunity to comply with the process. Dupont opted not to do so, at least at the time he filed his Petition. Thus, the appeal response reinforces the Magistrate Judge's conclusion Dupont did not exhaust his available administrative remedies prior to filing his § 2241 Petition.

SO ORDERED, this 25 day of October, 2024.



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