

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

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SO. DIST. OF GA.

RODOLFO QUINONES-CORREA,)	
)	
Petitioner,)	
)	
v.)	CV 311-050
)	
WALT WELLS, Warden,)	
)	
Respondent.)	

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge’s Report and Recommendation (“R&R”), to which objections have been filed (doc. no. 10). Petitioner commenced this case pursuant to 28 U.S.C. § 2241, asserting that his due process rights were violated during the course of disciplinary proceedings that resulted in the loss of 27 days of good conduct time (“GCT”). (See doc. no. 1.) Respondent filed a response to the § 2241 petition, and the Magistrate Judge recommended that the petition be denied, finding that the disciplinary proceedings did not violate Petitioner’s procedural due process rights and that the record disclosed adequate evidentiary support for the decision to sanction Petitioner with the loss of 27 days of GCT. (Doc. no. 8.)

In his objections, Petitioner sets forth a number of legal arguments and factual allegations not included in his original petition, such as various details pertaining to his purportedly inadequate disciplinary proceedings.¹ (See doc. no. 10, pp. 3-6.) Petitioner

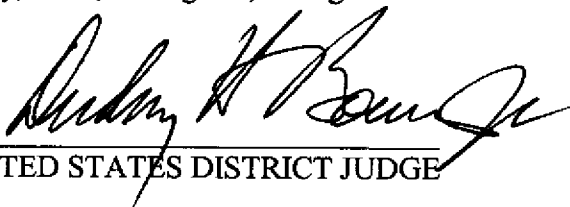
¹Petitioner provides no reason for failing to assert these allegations previously. (See doc. no. 10.)

implores the Court to reject the Magistrate Judge's R&R based on these new allegations. (See id.)

While Petitioner would like to use his objections to inject new contentions and allegations upon receiving an unfavorable analysis from the Magistrate Judge, to allow him to do so would frustrate systematic efficiencies and reduce the role of the Magistrate Judge to "that of a mere dress rehearsal." Williams v. McNeil, 557 F.3d 1287, 1292 (11th Cir. 2009) (quoting United States v. Howell, 231 F.3d 615, 622 (9th Cir. 2000)). Therefore, the Court will not consider the new material set forth in Petitioner's objections to the R&R. See id. at 1291-92 (approving district court's refusal to consider new argument set forth by *pro se* litigant in objections where the party had the opportunity to present the argument to the magistrate judge and failed to do so); Howell, 231 F.3d at 621 (holding that district courts are not required to consider supplemental factual allegations presented for the first time in objections to a magistrate judge's report and recommendation).

Turning to the remaining portion of the objections, Petitioner plainly fails to provide any reason to depart from the conclusions in the R&R. Thus, Petitioner's objections are **OVERRULED**. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, the petition brought pursuant to 28 U.S.C. § 2241 is **DENIED**, this civil action shall be **CLOSED**, and a final judgment shall be **ENTERED** in favor of Respondent.

SO ORDERED this 12th day of July, 2012, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE