

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

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2017 MAR -9 P 1:12

CLERK Bullock
STATE OF GA.

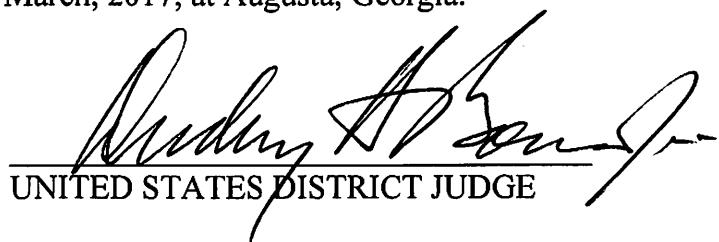
JOHNATHAN SANTEDRO HOWELL,)
Plaintiff,)
v.) CV 317-001
WARDEN HALL;)
WARDEN GAMMAGE;)
WARDEN McCLOUD;)
WARDEN MS. LEWIS;)
UNIT MANAGER GRANT; REGIONAL)
DIRECTOR TOOLE; ASSISTANT OTIS)
STANTON; and LT. DAVIS,)
Defendants.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge’s Report and Recommendation, to which objections have been filed. (Doc. no. 11.) Plaintiff provides no information to undermine the Magistrate Judge’s analysis the case is due to be dismissed for failure to state a claim upon which relief can be granted. To the extent Plaintiff attempts to cure the deficiency with his due process claim by alleging his chances at parole are hindered by his placement in Tier II segregation, (*see id.* at 1), his argument fails. “A state parole system creates a liberty interest in parole that is subject to the protections of the Due Process Clause only when it establishes a legitimate expectation of parole,” but the Eleventh Circuit has ruled “Georgia’s parole system does not create a legitimate expectation of parole.” *Porter v. Ray*, 461 F.3d 1315, 1322-23 (11th Cir. 2006).

Accordingly, the Court **OVERRULES** all of Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** Plaintiff's complaint for failure to state a claim upon which relief may be granted, and **CLOSES** this civil action.

SO ORDERED this 9th day of March, 2017, at Augusta, Georgia.



UNITED STATES DISTRICT JUDGE