

**In the United States District Court  
For the Southern District Of Georgia  
Waycross Division**

JAKE STEVE MICHEL,

Petitioner,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE; ERIC HOLDER; BUREAU OF  
PRISONS; CHARLES SAMUELS; STACY  
STONE; and TRACY JOHNS,

Respondents.

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CIVIL ACTION NO.: 5:14-cv-91

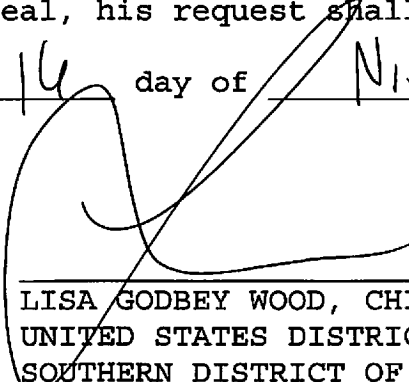
ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, as set forth herein. Petitioner Jake Michel ("Michel") failed to file any Objections to the Magistrate Judge's Report and Recommendation.

Michel's Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241, dkt. no. 1, is **DISMISSED**, without prejudice, based on Michel's failure to raise claims cognizable pursuant to Section 2241 and for his failure to exhaust his available administrative remedies prior to filing his Petition for those claims which are cognizable under Section 2241. All

named Respondents, other than Tracy Johns, are DISMISSED.<sup>1</sup> The Clerk of Court is DIRECTED to enter the appropriate judgment of dismissal and to CLOSE this case. Should Michel seek to proceed *in forma pauperis* on appeal, his request shall be DENIED.<sup>2</sup>

SO ORDERED, this 16 day of November, 2015.

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

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<sup>1</sup> Even though the undersigned is dismissing Michel's petition in its entirety, the distinction for the dismissal of all Respondents other than Tracy Johns is made because Tracy Johns, as Michel's custodian at the time he filed his Petition, is the only proper respondent in this Section 2241 Petition. Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004) ("[L]ongstanding practice confirms that in habeas challenges to present physical confinement . . . the default rule is that the proper respondent is the warden of the facility where the prisoner is being held[.]").

<sup>2</sup> Because Michel filed a Section 2241 Petition in this Court, no Certificate of Appealability ("COA") is required for purposes of an appeal. 28 U.S.C. § 2253(c); Sawyer v. Holder, 326 F.3d 1363, 1364 n.3 (11th Cir. 2003).