

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

YENNIER CAPOTE GONZALEZ,

Petitioner,

v.

TRACY JOHNS, Warden of D. Ray James  
Correctional Facility,

Respondent.

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CIVIL ACTION NO.: 5:15-cv-3

**ORDER**

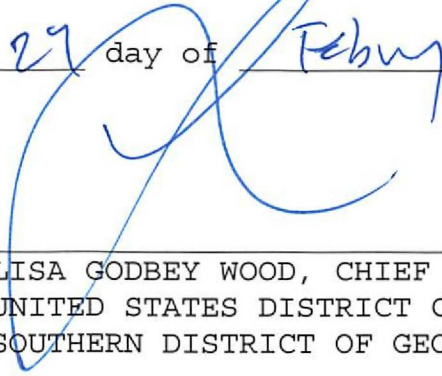
After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's August 31, 2015, Report and Recommendation, dkt. no. 10, to which Objections have been filed.<sup>1</sup> Accordingly, the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** as the opinion of the Court, and Petitioner Yennier Gonzalez's Objections, dkt no. 11, are **OVERRULED**. The Court **DISMISSES** Gonzalez's 28 U.S.C. § 2241 Petition. Gonzalez is **DENIED** *in forma pauperis* status on appeal. The Clerk of Court is **DIRECTED** to enter the appropriate

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<sup>1</sup> The Court concurs with the Magistrate Judge's Report and Recommendation with one exception. Gonzalez is not denied a Certificate of Appealability, as federal inmates need not obtain a Certificate of Appealability in Section 2241 cases. 28 U.S.C. § 2253(c); Sawyer v. Holder, 326 F.3d 1363, 1364 n.3 (11th Cir. 2003).

judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 29 day of February, 2016.

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