

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**GARY D. FOBAIR, JR.,**

**Petitioner,**

**v.**

**No. 11-cv-361-DRH-PMF**

**JAMES N. CROSS,**

**Respondent.**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is a Report and Recommendation (R&R) (Doc. 20), issued on March 23, 2012, by United States Magistrate Judge Philip M. Frazier recommending denial of petitioner's Section 2241 petition for a writ of habeas corpus (Doc. 1). Generally, petitioner presents various arguments seeking credit on his federal sentence for time spent incarcerated for state offenses. Additionally, petitioner argues that Congress delegated too much authority to the U.S. Bureau of Prisons regarding the calculation of sentences in violation of the Constitution. The R&R recommends denial of petitioner's writ, as his claims lack merit.

Upon issuance, the R&R was sent to the parties with a notice informing them of their right to appeal by way of filing objections within fourteen days of service (See Doc. 20-1). Thus, the parties' objections required filing by April 9,

2012. Neither party filed timely objections to the R&R. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct a *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Accordingly, the Court **ADOPTS** the R&R (Doc. 20) in its entirety and **DISMISSES** petitioner's claim **with prejudice**.

**IT IS SO ORDERED.**

Signed this 10<sup>th</sup> day of April, 2012.

 Digitally signed by  
David R. Herndon  
Date: 2012.04.10  
11:55:13 -05'00'



**Chief Judge**  
**United States District Court**