

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ALREDO ESTRADA

CIVIL ACTION

VERSUS

NO. 13-514-JJB-SCR

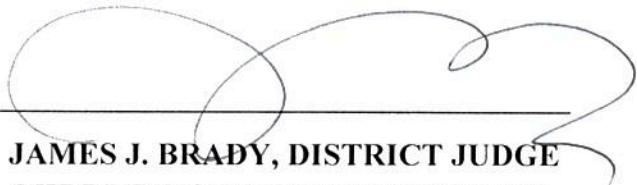
BOARD OF IMMIGRATION, ET AL

RULING ON REPORT AND RECOMMENDATION

The court has carefully considered the record, the law applicable to this action, and the Report and Recommendation of the United States Magistrate Judge Stephen C. Riedlinger, dated December 11, 2013 (doc. 6). The court has further considered the objections filed by the plaintiff (doc. 7).

The court finds the magistrate judge has correctly cited and applied the law. The court finds no abuse of discretion in the magistrate judge's application of the requirements for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The plaintiff failed to demonstrate that he was in custody under 28 U.S.C. § 2241. Furthermore, the court finds no abuse of discretion in the magistrate judge's application of the requirements for a writ of mandamus pursuant to 28 U.S.C. § 1361. The plaintiff failed to meet any of the requirements necessary for the issuance of a writ of mandamus. The court hereby approves and adopts the Report and Recommendation of the magistrate judge. Accordingly, the petitioner's Motion to Dismiss I.C.E./I.N.S. Detainer, treated as an application for a writ of habeas corpus, is DISMISSED and petitioner's request for an order directing I.C.E. to conduct an expedited deportation hearing, treated as a request for the issuance of a writ of mandamus, is DENIED.

Baton Rouge, Louisiana, February 18, 2014.



**JAMES J. BRADY, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**