

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|-------------------------------|---|--------------------------|
| EDDY PLACIDE, |) | |
| Petitioner |) | |
| |) | |
| v. |) | C.A. No. 15-cv-30035-MAP |
| |) | |
| ATTORNEY GENERAL ERIC HOLDER, |) | |
| ET AL., |) | |
| Respondents. |) | |

MEMORANDUM AND ORDER RE:
REPORT AND RECOMMENDATION REGARDING PETITIONER'S
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
AND FURTHER RECOMMENDATION FOR SUMMARY DISMISSAL
(Dkt. Nos. 2 & 6)

March 31, 2015

PONSOR, U.S.D.J.

On March 6, 2015, Magistrate Judge Katharine A. Robertson issued a Report and Recommendation, to the effect that Petitioner's Motion for Leave to Proceed In Forma Pauperis should be denied, without prejudice, and further that his Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 should be dismissed. The conclusion of the Report and Recommendation admonished the parties at n. 4 that objections to the Report and Recommendation must be filed within fourteen days. No objection has been filed.

Having reviewed the Report and Recommendation, de novo, the court finds that it is entirely correct as a matter of law and that the petition must be dismissed. At the time he filed the petition, Petitioner had been held for less than

six months. The Supreme Court's decision in Zadvydas v. Davis, 533 U.S. 648 (2011), therefore gives Petitioner no entitlement to immediate release.

For the foregoing reasons, the court hereby ADOPTS Judge Robertson's Report and Recommendation (Dkt. No. 6). Based upon this, Petitioner's Motion for Leave to Proceed In Forma Pauperis (Dkt. No. 2) is hereby DENIED, without prejudice, and the petition is ordered DISMISSED, without prejudice to its refiling if and when the necessary time has elapsed. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge