

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Antwoyn Spencer,

Case No. 17-cv-1381 (WMW/DTS)

Petitioner,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Warden T.J. Watson,

Respondent.

This matter is before the Court on the June 12, 2017 Report and Recommendation (R&R) of United States Magistrate Judge David T. Schultz. (Dkt. 4.) The R&R recommends denying Petitioner Antwoyn Spencer's petition for a writ of habeas corpus, (Dkt. 1), and denying as moot Spencer's motion to amend his petition for a writ of habeas corpus, (Dkt. 2). Spencer timely filed objections to the R&R in which he asserts that this Court has jurisdiction over this action pursuant to 28 U.S.C. § 2241(c)(3).

A district court reviews de novo any aspect of an R&R to which a party timely objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). Spencer asserts generally that this Court has jurisdiction over his petition for a writ of habeas corpus under 28 U.S.C. § 2241, but nothing in Spencer's objections undermines the R&R's conclusion that his petition is an improper successive petition under 28 U.S.C. § 2255. Consequently, having reviewed the conclusions of the R&R de novo, the Court overrules Spencer's objections, adopts the R&R, and dismisses Spencer's petition for a writ of habeas corpus for lack of jurisdiction.

ORDER

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Petitioner Antwoyn Spencer's objections to the June 12, 2017 R&R, (Dkt. 5), are **OVERRULED**;
2. The June 12, 2017 R&R, (Dkt. 4), is **ADOPTED**;
3. Petitioner Antwoyn Spencer's petition for a writ of habeas corpus, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**;
4. Petitioner Antwoyn Spencer's motion to amend his petition for a writ of habeas corpus, (Dkt. 2), is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 14, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge