

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTAJoseph Shay, also known as
Mark Shay,

Civ. No. 24-3418 (PAM/DTS)

Petitioner,

v.

ORDER

Jared Rardin, Warden,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge David T. Schultz dated September 19, 2024. The R&R recommends dismissal of this matter without prejudice because the Court lacks jurisdiction over Shay’s Petition.

According to statute, the Court must conduct a de novo review of any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Shay filed objections to the R&R, though they are sparse and do not state any specific objections to the R&R’s conclusions. First, Shay merely refers the Court to a page of instructions regarding § 2241 petitions; thus, his precise objection to the R&R is unclear. Second, Shay asserts that Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024), confers jurisdiction over this matter. (Pet.’s Objs. (Docket No. 9) at 2.) Shay is mistaken, as Loper Bright Enters does not discuss a court’s jurisdiction over habeas petitions. Shay presents no reason as to why the R&R’s

determinations were clearly erroneous, and therefore his objections fail. After conducting the required reviews, the Court **ADOPTS** the R&R. (Docket No. 6.)

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the R&R (Docket No. 6);
2. The Petition (Docket No. 1) is **DENIED without prejudice** for lack of jurisdiction;
3. Petitioner's application to proceed in forma pauperis (Docket No. 2) is **DENIED**;
4. Petitioner's Motion for an Expedited Transfer to Prerelease (Docket No. 3) is **DENIED**; and
5. This matter is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 23, 2024

s/ Paul A. Magnuson

The Hon. Paul A. Magnuson
United States District Court Judge