

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO. 25-86 (DSD/DJF)

Todd Giffen,

Plaintiff,

v.

ORDER

Warden Federal Medical Center
Rochester,

Defendant.

This matter is before the court upon the report and recommendation by United States Magistrate Judge Dulce J. Foster dated January 10, 2025 (R&R). In the R&R, the magistrate judge determined that plaintiff Todd Giffen's petition for writ of habeas corpus should be dismissed for lack of jurisdiction. Giffen is a civil detainee at FMC-Rochester. In his petition, he claims that the conditions of his confinement are too restrictive, and he seeks transfer to another facility. He does not challenge the legality of his confinement.

Giffen timely filed objections to the R&R. The court reviews de novo any portion of the R&R to which specific objections are made. See 28 U.S.C. § 636(b)(1)(c). Giffen argues, much as he did before the magistrate judge, that he is entitled to be housed in a facility that is less restrictive than FMC-Rochester. But,

as stated in the R&R, a litigant cannot challenge his conditions of confinement through a habeas petition. See Spencer v. Haynes, 774 F.3d 467, 469-70 (8th Cir. 2014); Krueger v. Erickson, 77 F.3d 1071, 1073 (8th Cir. 1996).

The court therefore overrules Giffen's objections. Accordingly, based on the files, records, and proceedings herein,

IT IS HEREBY ORDERED that:

1. The R&R [ECF No. 6] is adopted in its entirety;
2. The petition for writ of habeas corpus [ECF No. 1] is dismissed without prejudice for lack of jurisdiction;
3. The motion to waive or strike filing fees [ECF No. 3] is denied;
4. The motion to appoint counsel [ECF No. 4] is denied; and
5. The motion for immediate release [ECF No. 5] is denied.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 27, 2025

s/David S. Doty _____
David S. Doty, Judge
United States District Court