

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

GERALD DEVAUGHN MCGEE

PETITIONER

v.

CIVIL ACTION NO. 3:15cv177-DPJ-FKB

WARDEN UNKNOWN BLACKMON

RESPONDENT

ORDER

This habeas petition is before the Court on the Report and Recommendation [14] of United States Magistrate Judge F. Keith Ball, recommending dismissal of this action. Petitioner filed this action challenging the computation of his sentence while he was incarcerated at the Federal Correctional Complex in Yazoo City, Mississippi. Petitioner was released from imprisonment on April 8, 2016.

Judge Ball concluded that, given Petitioner's release from custody, there is no remaining live case or controversy over which this Court has jurisdiction. R&R [14] at 2 (citing *Lawson v. Berkebile*, 308 F. App'x 750, 752 (5th Cir. 2009)). Judge Ball therefore recommended dismissal. Petitioner was given fourteen days to object. Petitioner did not file an Objection, and the time to do so has passed.

The Court finds that the unopposed Report and Recommendation [14] should be adopted as the opinion of the Court. This action is dismissed. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 3rd day of April, 2017.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE