

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ALVIN PENN

PLAINTIFF

V.

CIVIL ACTION NO. 3:16-CV-650-DPJ-FKB

WARDEN UNKNOWN BLACKMON

DEFENDANT

ORDER

Petitioner Alvin Penn challenges the computation of his sentence pursuant to 18 U.S.C. § 2241, claiming the Bureau of Prisons has failed to give him credit for time spent in state custody. Magistrate Judge F. Keith Ball, in his Report and Recommendation (“R&R”) [12], recommending denying relief and dismissing the petition. Specifically, Judge Ball found that Penn had not established that credit was due under 18 U.S.C. § 3585.

Penn did not file an Objection, and the time to do so has passed.¹ The Court agrees with the conclusion reached by Judge Ball and adopts the R&R [12] in its entirety. The petition is dismissed with prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 2nd day of July, 2018.

s/ Daniel P. Jordan III

CHIEF UNITED STATES DISTRICT JUDGE

¹ The R&R was returned as undeliverable on June 20, 2018. Returned Mail [13]. Penn is under a continuing obligation to keep the Court apprised of his current address, or he is at risk of dismissal without further warning. Order [3] (“[F]ailure to advise this Court of a change of address or failure to timely comply with any Order of this Court will result in this cause being dismissed.”); *see* Order [5] (same). Accordingly, dismissal is also appropriate for failure to comply with the Court’s orders. *See Link v. Wabash R.R.*, 370 U.S. 626, 630–31 (1962); *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988).