

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ROBERT DESHAWN BOYD

PETITIONER

V.

CIVIL ACTION NO. 3:16cv945-DPJ-FKB

WARDEN NASH

RESPONDENT

ORDER

This habeas petition is before the Court on the Report and Recommendations [14] of United States Magistrate Judge F. Keith Ball, recommending dismissal. Petitioner filed this action, pursuant to 28 U.S.C. § 2241, challenging a detainer lodged by the Kentucky Parole Board. Respondent then moved to dismiss the petition [10].

Judge Ball concluded that the instant petition constitutes an abuse of writ, given that Petitioner challenged the legality of the detainer at issue here in a habeas proceeding in federal court in Kentucky. The Kentucky District Court dismissed that petition with prejudice, and Petitioner “has made no showing of cause and prejudice or that a fundamental miscarriage of justice will result if his petition is not entertained by this court.” R&R [14] at 4. Judge Ball therefore recommended dismissal with prejudice here. Petitioner was given fourteen days to object. He failed to file objections to the Report and Recommendations, and the time to do so expired on May 15, 2017.

The Court finds that the unopposed Report and Recommendations [14] should be adopted as the opinion of the Court. Respondent’s motion [10] is granted, and this action 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 25th day of May, 2017.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE