

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GENNARO LANGELLA,)	
)	
Petitioner,)	
)	
vs.)	Case No. 09-3165-CV-S-GAF
)	
MARTY C. ANDERSON, Warden,)	
)	
Respondent.)	

ORDER

Now pending before the Court is Petitioner's Petition for Writ of Habeas Corpus in which he challenges actions of the Parole Commissioner. Petitioner alleges that the Parole Commission violated his constitutional right to due process; that it violated its regulations by improperly instructing the hearing examiner at the 2005 hearing that she could not reopen his case and grant a parole effective date; that the Commission forfeited its discretion to the Assistant United States Attorney; that it erroneously relied on police reports, which he asserts do not provide a sufficient evidentiary basis for its decision; and that it violated the Privacy Act and the Freedom of Information Act.

On July 9, 2009, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #15). On July 29, 2009, Petitioner's Objections to the Report and Recommendation (Doc. #19) was filed.

Upon careful and independent review of the pending petition, Petitioner's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Petitioner's Petition for Writ of Habeas Corpus (Doc. #1) is DISMISSED.

SO ORDERED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: August 11, 2009