

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

DONNIE GUARINO,)
)
 Petitioner,)
)
 vs.) **No. 10-3205-CV-S-RED-H**
)
 MARTY C. ANDERSON, Warden,)
 United States Medical Center for)
 Federal Prisoners,)
)
 Respondent.)

CARROLL JAMES FLOWERS,)
)
 Petitioner,)
)
 vs.) **No. 10-3206-CV-S-RED-H**
)
 MARTY C. ANDERSON, Warden,)
 United States Medical Center for)
 Federal Prisoners,)
)
 Respondent.)

CHRISTOPHER MICHAEL DANNER,)
)
 Petitioner,)
)
 vs.) **No. 10-3228-CV-S-RED-H**
)
 MARTY C. ANDERSON, Warden)
 United States Medical Center for)
 Federal Prisoners,)
)
 Respondent.)

| | | |
|---|---|-------------------------------|
| THOMAS BRECK STRATTON, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | No. 10-3248-CV-S-RED-H |
| |) | |
| MARTY C. ANDERSON, Warden |) | |
| United States Medical Center for |) | |
| Federal Prisoners, |) | |
| |) | |
| Respondent. |) | |

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petitions herein for writs of habeas corpus were consolidated and referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate Judge has completed his preliminary review of the petitions and has submitted to the undersigned a report and recommendation that the petitions for writs of habeas corpus be dismissed without prejudice.

Petitioners have filed exceptions to the report and recommendation of the Magistrate in which they continue to assert the allegations of their original petitions.

Having fully reviewed the record de novo, the Court agrees with the Magistrate that the petitions should be dismissed without prejudice because there was no due process violation in this case. Rather, a full review of the record indicates that petitioners' disciplinary hearings were in compliance with due process requirements. It is apparent that the Magistrate Judge thoroughly reviewed the arguments of the parties, the Bureau of Prisons' regulations, policies, and practices,

as well as available case law, and determined that, under the very low standard dictated by the Supreme Court, there was some evidence to support the decisions of the disciplinary officer. See Superintendent v. Hill, 472 U.S. 445, 455-56 (1985).

Based on the file and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioners' exceptions filed herein be, and they are hereby, considered and overruled. It is further

ORDERED that petitioner Stratton be, and he is hereby, denied leave to proceed in forma pauperis. It is further

ADJUDGED that the petitions herein for writs of habeas corpus be, and they are hereby, dismissed without prejudice.

/s/ Richard E. Dorr
RICHARD E. DORR
United States District Judge

Date: December 20, 2010