

or staff.

Having fully reviewed the record de novo, this Court agrees with the Magistrate that the petition should be dismissed because petitioner has failed to state a constitutional violation. Clearly, based on petitioner's serious violent history, including violence in prison, the Medical Center has acted within its discretion in assigning him to administrative segregation for the safety and security of the institution. It should be noted, moreover, that petitioner is housed at the Medical Center to effectively treat his serious medical condition, and he does not complain about that care. There is nothing in the record to indicate that the due process review process is conducted in violation of petitioner's rights. The Court agrees with the Magistrate's conclusion that petitioner has failed to assert a claim that rises to the level of a due process violation.

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 petitioner's exceptions filed herein be, and they are hereby, CONSIDERED and OVERRULED. It is further

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

ADJUDGED that the petition herein for a writ of habeas corpus be, and it is hereby, dismissed without prejudice.

/s/ Dean Whipple
DEAN WHIPPLE
UNITED STATES DISTRICT JUDGE

Date: September 8, 2011