

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALVIN VAN PELT III,

Petitioner,

v.

No. 1:17-CV-647-RB-KRS

TODD GIESEN, Captain/Warden,
Bureau of Indian Affairs, Office of Justice Services
Division of Corrections, BRIAN CORIZ, Governor,
Kewa Pueblo, ESQUIPULA TENORIO, Lieutenant Governor,
Kewa Pueblo, and JAVIN CORIZ, Tribal Official #4, Kewa Pueblo,

Respondents.

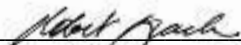
**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND RECOMMENDED
DISPOSITION OF THE MAGISTRATE JUDGE**

THIS MATTER comes before the Court upon Petitioner's Petition for Writ of Habeas Corpus for Relief from a Tribal Court Conviction Pursuant to 25 U.S.C. § 1303 ("Petition"), filed June 15, 2017 (Doc. 1). In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Kevin R. Sweazea who entered Proposed Findings of Fact and [a] Recommended Disposition ("PFRD") (Doc. 33) on April 24, 2018. As detailed in the PFRD, Judge Sweazea recommended that the Court grant Petitioner's Petition and vacate Petitioner's underlying sentence and conviction. Judge Sweazea also notified the parties of their right to file written objections pursuant to 28 U.S.C. § 636(b)(1)(C). Neither party objected to the PFRD and the deadline for so doing expired on or about May 8, 2018. Having reviewed the record, the Court determines that it will adopt the PFRD in its entirety, grant Petitioner's Petition, and vacate Petitioner's underlying sentence and conviction.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Proposed Findings of Fact and Recommended Disposition (Doc. 33) is hereby ADOPTED;

IT IS FURTHER ORDERED that Petitioner's Petition (Doc. 1) is hereby GRANTED and his underlying sentence and conviction are hereby VACATED;

IT IS FURTHER ORDERED that Petitioner shall be released from custody.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE