

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDY Q. GOODALL,

Petitioner,

v.

WARDEN B. VON BLANCKENSEE,

Respondent.

No. 17-CV-3615 (KMK)

ORDER ADOPTING
REPORT & RECOMMENDATION

KENNETH M. KARAS, United States District Judge:

Pro se Petitioner Andy Q. Goodall (“Petitioner”) was sentenced to a term of 250 months of incarceration with a lifetime of supervised release on September 29, 2016 in the United States District Court for the District of Maine for production of child pornography, in violation of 18 U.S.C. §§ 2251(a), (e). (Decl. of Stephanie Scannell-Vessella (“Scannell-Vessella Decl.”) ¶ 4 (Dkt. No. 13).) Petitioner was incarcerated in the general population unit of the Federal Correctional Institute in Otisville, New York (“FCI Otisville”) from November 8, 2016 to February 21, 2017. (Decl. of David Susney (“Susney Decl.”) ¶ 6 (Dkt. No. 12).) On February 21, 2017, Petitioner was placed in the Special Housing Unit (“SHU”) at FCI Otisville pending investigations related to certain threatening messages sent to FCI Otisville staff members. (*Id.* ¶¶ 7–17.)

On April 30, 2017, Petitioner filed a Petition for habeas corpus pursuant to 28 U.S.C. § 2241 in this Court (the “Petition”). (*See generally* Pet. for Writ of Habeas Corpus (“Pet.”) (Dkt. No. 1).) Petitioner alleged violations of due process, as well as cruel and unusual punishment, false imprisonment, and discrimination related to his confinement in SHU. (*Id.* at 7–9.) Petitioner sought relief in the form of immediate release to the general population unit pending his transfer to MDC Brooklyn. (*Id.* at 9.) The matter was referred to the Honorable

Judith C. McCarthy (“Judge McCarthy”) on June 8, 2017. (Dkt. No. 9.) On July 27, 2017, Petitioner was transferred to MDC Brooklyn, pending an ultimate transfer to the Federal Correctional Institute in Petersburg, Virginia (“FCI Petersburg”). (Susney Decl. ¶ 19.) Petitioner was transferred to FCI Petersburg on August 7, 2017. (*Id.* ¶ 19.) Plaintiff has been housed with the general population at both MDC Brooklyn and FCI Petersburg. (*Id.* ¶ 20.)

On July 19, 2019, Judge McCarthy issued a Report and Recommendation (“R&R”) recommending that this Court deny the Petition in its entirety, finding that the Petition was moot because Petitioner has been transferred from FCI Otisville and is no longer housed in SHU. (R&R 9–12 (Dkt. No. 15).) Petitioner has not filed any objections to the R&R.¹

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010); *Eisenberg v. New Eng. Motor Freight, Inc.*, 564 F. Supp. 2d 224, 226 (S.D.N.Y. 2008). The Court has reviewed the R&R and the Petition, and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby

ORDERED that the Report and Recommendation, dated July 19, 2019, is ADOPTED in its entirety.


ORDERED that the Petition is DISMISSED.

¹ Judge McCarthy provided notice that, pursuant to 28 U.S.C. § 636(b)(1)(C), objections to the R&R were due within 14 days from the receipt of the R&R, or 17 days from the receipt of the same if the R&R was served upon the Parties by mail, and that the failure to object would constitute a waiver of Petitioner’s right to appeal. (R&R 12.)

ORDERED that the Clerk of the Court is respectfully directed to close this case and to mail a copy of this Order to Petitioner.

SO ORDERED.

Dated: March 5, 2020
White Plains, New York



KENNETH M. KARAS
United States District Judge