

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

BRYAN D. WOMACK,
Petitioner,
v.
JUSTIN JONES, ODOC Director,
Respondent.
Case No. CIV-12-944-D

ORDER TRANSFERRING CASE

This matter is before the Court for review of the Report and Recommendation [Doc. No. 5] issued by United States Magistrate Judge Robert E. Bacharach pursuant to 28 U.S.C. § 636(b)(1). Judge Bacharach recommends a transfer pursuant to 28 U.S.C. § 2241(d), of this habeas action under 28 U.S.C. § 2254, to the United States District Court for the Eastern District of Oklahoma.

Petitioner has filed a timely response to the Report, stating he has no objection to the proposed transfer and he agrees the case should be transferred. Thus, Petitioner has affirmatively waived further review of the transfer issue. See Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991) (failure to object waives review of factual and legal issues). Accordingly, the Court adopts the Report and Recommendation [Doc. No. 5] in its entirety.

IT IS THEREFORE ORDERED that this action is transferred to the United States District Court for the Eastern District of Oklahoma.

IT IS SO ORDERED this 24th day of September, 2012.

Handwritten signature of Timothy D. DeGiusti

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE