

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

CLAYTON STOTTS,)
)
Petitioner,)
)
vs.) Case No. CIV-09-309-M
)
PAUL A. KASTNER,)
)
Respondent.)

ORDER

On August 31, 2009, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241 challenging the validity of a regulation promulgated by the United States Bureau of Prisons (“BOP”) that would make an inmate eligible for sentence reduction of up to one year upon completion of specified requirements. Because petitioner is challenging the BOP regulation which became effective in 2000 and obsolete when a new regulation went into effect in 2009, the Magistrate Judge recommended that the Petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2241 be dismissed as moot. Petitioner was advised of his right to object to the Report and Recommendation by September 21, 2009. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 31, 2009, and
- (2) DISMISSES the Petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2241; and
- (3) ORDERS that judgment in favor of respondent issue forthwith.

IT IS SO ORDERED this 2nd day of October, 2009.



VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE