

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

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|-----------------------|---|-----------------------|
| PAUL NELSON, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. CIV-11-636-D |
| |) | |
| DAVID PARKER, Warden, |) | |
| |) | |
| Respondent. |) | |

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Roberts recommends the dismissal of the Petition for Writ of Habeas Corpus for failure to exhaust state judicial remedies.¹

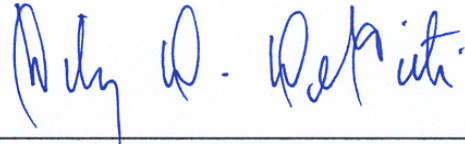
Upon review of the file, the Court finds no timely objection to the Report nor request for additional time to object. The Court further finds that Petitioner has waived further review of all issues due to his failure to object. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). For this reason, and the reasons fully explained by Judge Roberts, the Court finds that the Petition should be dismissed for lack of exhaustion.

IT IS THEREFORE ORDERED that the Court adopts the Report and Recommendation [Doc. No. 21] in its entirety. Respondent’s Motion to Dismiss [Doc. No. 18] is GRANTED. The

¹ Petitioner used a form of petition under 28 U.S.C. § 2254. However, because Petitioner seeks relief based on the administration of his sentence, Judge Roberts properly treated the petition as one under 28 U.S.C. § 2241.

Petition for Writ of Habeas Corpus is DISMISSED for failure to exhaust state remedies. Judgment shall be entered accordingly.

IT IS SO ORDERED this 27th day of October, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE