

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

| | | |
|---------------------------|---|-----------------------|
| ROBERT S. HILLARD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| -vs- |) | Case No. CIV-14-838-F |
| |) | |
| JIM BAUMAN, Logan County, |) | |
| Sheriff, |) | |
| |) | |
| Respondent. |) | |

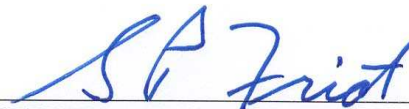
ORDER

United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation, recommending that petitioner, Robert S. Hillard’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 be dismissed without prejudice as moot. Magistrate Judge Mitchell found that because respondent, Jim Bauman, no longer has custody of petitioner, he is powerless to provide any relief the court might order. Magistrate Judge Mitchell also found that because petitioner is now being held in Nebraska, outside the district of confinement, he is outside of this court’s habeas jurisdiction.

Petitioner has timely objected to Magistrate Judge Mitchell’s Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review of the matter. Having done so, the court concurs with the analysis and recommendation of Magistrate Judge Mitchell. The court finds that petitioner’s § 2241 petition should be dismissed without prejudice as moot. Griffin v. Kastner, 507 Fed. Appx. 801, 802-803 (10th Cir. 2013). Therefore, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of United States Magistrate Judge Suzanne Mitchell issued on September 18, 2014 (doc. no. 11) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Petitioner, Robert S. Hillard's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED WITHOUT PREJUDICE** as moot. Judgment shall issue forthwith.

DATED October 9, 2014.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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