

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

MATTHEW P. COUGHLIN,)	
)	
Petitioner,)	
)	
v.)	CIV-15-536-R
)	
CARL BEAR, WARDEN,)	
)	
Respondent.)	

ORDER

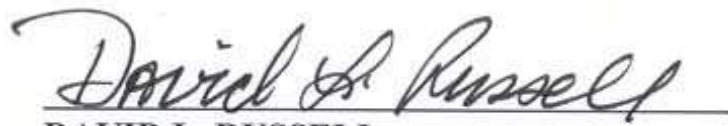
Petitioner filed this action pursuant to 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Charles B. Goodwin for preliminary review. On January 6, 2016, Judge Goodwin issued a Report and Recommendation wherein he recommended that grounds 2 and 4 of the Petition be dismissed with prejudice, as they are based on alleged commutation of Petitioner's sentence, and that Grounds 1 and 3 be dismissed without prejudice. Judge Goodwin further recommended that the Motion to Intervene filed by Robert Cotner (Doc. No. 6) be denied.

The record reflects no timely objection to the Report and Recommendation has been filed by the Petitioner, nor has he sought an extension of time in which to object. Rather, Mr. Cotner, ostensibly on Mr. Coughlin's behalf, filed an "Amicus Curiae Objection to Magistrate's Report and Recommendation and Motion to Withdraw Case." (Doc. No. 10). Mr. Cotner states therein that Mr. Coughlin was transferred to an unknown facility in retaliation for filing and refusing to withdraw this action. The Court notes that none of Petitioner's mail has been returned as undeliverable, and Petitioner was provided with a copy

of a Change of Address form as indicated on the Court's internal docket sheet, which would have permitted him to inform the Court of his whereabouts. According to the Department of Corrections' information, publicly accessible via the Department of Corrections' website, Mr. Coughlin is currently housed at the Lexington Center, which is inconsistent with Mr. Cotner's representations. Regardless, the Court concludes that the Report and Recommendation is well founded and that dismissal of Petitioner's claims is warranted for the reasons set forth therein.

As set forth above, the Report and Recommendation is hereby ADOPTED, and the Petition is hereby DISMISSED. Grounds 1 and 3 are dismissed without prejudice and Grounds 2 and 4 are dismissed with prejudice. Mr. Cotner's Motion to Intervene (Doc. No. 6) is DENIED as MOOT in light of the dismissal of this action.

IT IS SO ORDERED this 4th day of February, 2016.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE