

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MATTHEW BURT,	:	CIVIL ACTION NO. 1:16-CV-1180
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
WARDEN KATHY LANE,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 17th day of October, 2017, upon consideration of the report (Doc. 9) of Magistrate Judge Martin C. Carlson, recommending that the court deny the petition (Doc. 1) for writ of habeas corpus filed by petitioner Matthew Burt (“Burt”), (id. at 25), wherein Judge Carlson opines that Burt may not challenge, in a federal habeas proceeding, the Bureau of Prisons’ discretionary decision to expel him from the Residential Drug Abuse Program, and that, to the extent Burt seeks to recast his claim as one for impermissible retaliation in response to Burt’s exercise of his First Amendment rights, the claim fails on its merits, and it appearing that no party has objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d 878;

see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. Civ. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement with Judge Carlson’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 9) of Magistrate Judge Carlson is ADOPTED.
2. Burt’s petition (Doc. 1) for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DENIED.
3. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania