

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

\_\_\_\_\_  
MICHAEL K. BROWN,  
Petitioner,  
vs.  
WILLIAM SCISM,  
Respondent.  
\_\_\_\_\_

CIVIL ACTION NO. 3:11-0419

(KOSIK, D.J.)

**FILED  
SCRANTON**

JUN 10 2011

Per M. E. P.  
DEPUTY CLERK

**MEMORANDUM AND ORDER**

AND NOW, THIS 10<sup>th</sup> DAY OF JUNE, 2011, IT APPEARING TO THE COURT THAT:

- (1) Petitioner, Michael K. Brown, a prisoner formerly confined at the LSI-Allenwood, White Deer, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on March 4, 2011;
- (2) In his petition, petitioner challenges the alleged improper denial of placement in a residential re-entry center ("RRC");
- (3) The action was assigned to Magistrate Judge Malachy E. Mannion for Report and Recommendation;
- (4) On May 20, 2011, the Magistrate Judge issued a Report and Recommendation (Doc. 13) wherein he recommended that the petition for writ of habeas corpus be dismissed;
- (5) Specifically, the Magistrate Judge found that because the petitioner has been released from the Bureau of Prisons' custody since the filing of the instant action, his request for relief is moot;
- (6) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation.

AND, IT FURTHER APPEARING THAT:

- (7) If no objections are filed to a Magistrate Judge's Report and

Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F. 2d 874, 878 (3d Cir. 1987).

(8) We have considered the Magistrate Judge's Report and we concur with his recommendation.

(9) After reviewing the petition, we agree with the Magistrate Judge that the Petitioner's request for relief is moot and the petition should be dismissed for lack of case or controversy.

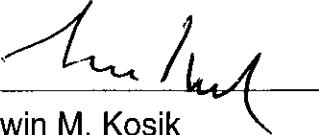
ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion dated May 20, 2011 (Doc. 13) is **ADOPTED**;

(2) The Petitioner's petition for writ of habeas corpus is **DISMISSED**;

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge; and,

(4) Based on the court's conclusion herein, there is no basis for the issuance of a certificate of appealability.

  
Edwin M. Kosik  
United States District Judge