

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

ROBERT HOWARD,

Petitioner

v.

WARDEN MONICA RECTENWALD

Respondent

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3:13-CV-1098
(JUDGE MARIANI)

FILED
SCRANTON

JUL 31 2013

PER



DEPUTY CLERK

ORDER

AND NOW, THIS 31ST TH DAY OF JULY 2013, upon *de novo* review of Magistrate Judge Carlson's Report & Recommendation (Doc. 9), Howard's Objections thereto (Doc. 10), Respondents' Brief in Opposition (Doc. 11), and Howard's Petition for Writ of Habeas Corpus (Doc. 1), **IT IS HEREBY ORDERED THAT:**

- Howard's Objections (Doc. 10) are **OVERRULED**. The Unit Team's recommendation of six months of Residential Re-entry Center/home confinement placement (Doc. 10-1) was not a final placement decision, and therefore, Howard's Petition is not yet ripe.
- The Report & Recommendation (Doc. 9) is **ADOPTED**. Howard's Petition, even if ripe, would fail on the merits because the discretionary decision by the Bureau of Prisons did not violate any rights guaranteed to him by the Constitution, and the Second Chance Act does not compel the Bureau of Prisons to provide Petitioner a full year of Residential Re-entry Center/home confinement placement.

3. Accordingly, Ryan's Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED**.
4. A Certificate of Appealability **WILL NOT ISSUE**.
5. The Clerk of Court is directed to **CLOSE** the case.

A handwritten signature in black ink, appearing to read "R. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge