

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

JAMIE A.D. SCOTT,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:24-97
)	Judge Nora Barry Fischer
MICHAEL UNDERWOOD, WARDEN,)	Magistrate Judge Keith Pesto
F.C.I. LORETTO, et al.)	
)	
Respondents.)	

MEMORANDUM ORDER

AND NOW, this 6th day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on June 5, 2024, (Docket No. 7), recommending that the § 2241 habeas petition filed by Petitioner Jamie A.D. Scott against Warden Michael Underwood et al., be dismissed preservice because he failed to exhaust administrative remedies, Petitioner’s Objections which were untimely filed on July 22, 2024, well after the 14 days directed by the Magistrate Judge but fails to establish that he exhausted administrative remedies prior to initiating this habeas action, (Docket No. 8), and this matter having been recently reassigned to the undersigned for prompt disposition of the matter, (Docket No. 9), and upon independent review of the record and de novo consideration of the Magistrate Judge’s Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Petitioner’s Objections (Docket No. 8) are OVERRULED, as dismissal of this action, without prejudice, for failure to exhaust administrative remedies, is consistent with rulings made in this District, *see e.g., Saavedra-*

Ramirez v. Peters, No. 3:23-CV-268-KAP, 2024 WL 2136679, at *2 (W.D. Pa. Mar. 12, 2024), *report and recommendation adopted*, No. CV 3:23-268, 2024 WL 1550379 (W.D. Pa. Apr. 10, 2024), *appeal dismissed sub nom. Saavedra-Ramirez v. Dir. Fed. Bureau of Prisons*, No. 24-1738, 2024 WL 4677955 (3d Cir. July 18, 2024) (District Court upholding dismissal for failure to exhaust when the habeas petition was filed prior to the exhaustion of administrative remedies and appeal dismissed),

IT IS FURTHER ORDERED that the Petition (Docket No. 6) is DISMISSED, without prejudice, for failure to exhaust administrative remedies; and,

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

Dated: January 6, 2025

cc/ecf: Magistrate Judge Keith A. Pesto

cc: Jamie A.D. Scott
BOP Reg. No. 69423-408
F.C.I. Loretto
P.O. Box 1000
Cresson, PA 16630 (via first class mail)