



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

RAMON LUIS MOLINA-QUINTERO,  
Petitioner,

vs.

WARDEN G. RAMIREZ, FCI-Williamsburg,  
Federal Bureau of Prisons,

Respondent.

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CIVIL ACTION NO. 0:17-1215-MGL

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING PETITIONER'S PETITION WITHOUT PREJUDICE**

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This is a 28 U.S.C. § 2241 action. Petitioner is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the case be dismissed without prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 29, 2017, and the Clerk of Court entered Petitioner’s objection to the Report on July 13, 2017. The Court has reviewed the objection, but holds them to be without merit. Therefore, it will enter judgment accordingly.

In an abundance of caution, the Court has made a de novo review of the entire record in this case. Having done, so the Court concludes the petition before it is without merit.

The Supreme Court has long held “where good time credits constitute a protected liberty interest, a decision to revoke such credits must be supported by some evidence.” *Superintendent, Mass. Corr. Inst., Walpole v. Hill*, 472 U.S. 445, 447 (1985). But, “[a]scertaining whether [the due process] standard is satisfied does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence. Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board.” *Id.* at 455-56.

As the Magistrate Judge recognized,

evidence of Petitioner’s guilt identified by the hearing officer in the report—Petitioner’s urine sample, supported by a proper chain of custody, that tested positive for a narcotic; Petitioner’s medical records showing he was not prescribed or provided any medication that would test positive for narcotics; the reporting officer’s report; and Petitioner’s statement at the hearing that he took a pill given to him by a fellow inmate to treat his pain. Accordingly, Petitioner was provided with written findings as to the evidence relied upon and reasons for the disciplinary action as required by the Due Process Clause, and, the disciplinary hearing officer’s report detailed at least some evidence of Petitioner’s guilt.

Report 5 (citations omitted) (internal quotation marks omitted). Because there is some “evidence in the record that could support the conclusion reached by the disciplinary board,” *Hill*, 472 U.S. at 455-56, the Court will overrule Petitioner’s objections.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Petitioner's objection, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court the case is **DISMISSED WITHOUT PREJUDICE**.

To the extent that Petitioner requests a certificate of appealability from this Court, that certificate is **DENIED**.

**IT IS SO ORDERED.**

Signed this 14th day of July, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within sixty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.