

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 10-21178-CIV-LENARD/WHITE

BRUCESTAN T. JORDAN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.


**ORDER ADOPTING REPORT AND RECOMMENDATION (D.E. 4)
AND TRANSFERRING CASE**

THIS CAUSE is before the Court on the Report and Recommendation of U.S. Magistrate Judge Patrick A. White (“Report,” D.E. 4), issued on April 21, 2010. In his Report, Magistrate Judge White recommends that Petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 be transferred to the District Court for the Middle District of Tennessee. Specifically, the Report finds that the Petitioner’s petition for writ of habeas corpus is essentially a motion to vacate pursuant to 28 U.S.C. §2255, and thus it must be filed in the Court in which Petitioner was sentenced. On May 4, 2010, Petitioner filed a Motion to Strike (D.E. 5) in which he seeks to strike the Report and asserts a several novel legal objections to his confinement but none germane to recommendations in the Report. Over thirty (30) days has passed since the issuance of the Report. Failure to timely file objections shall bar parties from attacking on appeal the factual findings contained in the report. *See Resolution Trust Corp. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and

record, the Court finds that Petitioner's petition for habeas corpus is indeed an attack on the conviction in *United States v. Jordan*, 3:06-00165, entered in the Middle District of Tennessee, Nashville Division; and that court is where this petition properly belongs. It is hereby **ORDERED AND ADJUDGED** that:

1. The Report of the Magistrate Judge (D.E. 4), issued on April 21, 2010, is **ADOPTED**.
2. Petitioner Brucestan T. Jordan's Petition for Habeas Corpus is hereby **TRANSFERRED** to the **MIDDLE DISTRICT OF TENNESSEE** along with all orders, motions, affidavits, pleadings, and exhibits (if any) filed herein for further proceedings under 28 U.S.C. § 2255.
3. This Case is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 27th day of May, 2010.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE