
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ROY ROYBAL,

Petitioner,

versus

WARDEN C. V. RIVERA,

Respondent.

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CIVIL ACTION NO. 1:12-CV-262

**MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Roy Roybal, a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge’s Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner’s claim that the Parole Commission erroneously denied him credit for street time lacks merit. The magistrate judge correctly concluded that

petitioner failed to exhaust his claim that the Bureau of Prisons denied him credit for time spent in state custody. Petitioner's administrative remedies only challenge the award of time credit by the Parole Commission, not the calculation of petitioner's sentence by the Bureau of Prisons.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 15th day of July, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE