
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

AQUIL WALKER,

Petitioner,

versus

WARDEN, FCI,

Respondent.

CIVIL ACTION NO. 1:13-CV-34

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

Petitioner Aquil Walker, an inmate formerly confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the above-styled petition should be dismissed.

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. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See FED. R. CIV. P. 72(b)*.

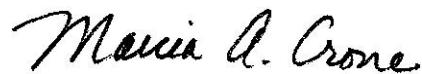
After careful consideration, the court concludes petitioner's objections are without merit. To the extent petitioner is using his claim of breach of the plea agreement to challenge the legality of his conviction and sentence, the claim is a 28 U.S.C. § 2255 challenge. *See Braddy v. Fox*, 537 F. App'x 469, 469-70 (5th Cir. 2013); *Jeffers v. Chandler*, 253 F.3d 827, 830 (5th Cir. 2001). This court is without jurisdiction to entertain petitioner's § 2255 challenge, however, because petitioner was convicted in the United States District Court for the Eastern District of Pennsylvania. Additionally, to the extent petitioner's breach of plea agreement claim challenges the manner of the execution of his sentence, the claim is moot as a result of his release from

custody. Further, the petition does not meet the criteria required to support a claim under the savings clause of 28 U.S.C. § 2255. *See Padilla v. United States*, 416 F.3d 424 (5th Cir. 2005); *Reyes-Requena v. United States*, 243 F.3d. 893 (5th Cir. 2001). Finally, petitioner's claims for monetary damages related to the conditions of his confinement do not contest the fact or duration of his confinement and cannot serve as a basis for habeas corpus relief, as the magistrate judge determined.

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 20th day of November, 2015.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE