
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

DOLANDON MACK,

Petitioner,

versus

C.V. RIVERA,

Respondent.

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CIVIL ACTION NO. 1:13-CV-604

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

Petitioner Dolandon Mack, an inmate 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 Zack Hawthorn, 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 without prejudice to petitioner's ability to pursue his claims by filing a civil rights action.

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. As the magistrate judge determined, petitioner's claim of the alleged deprivation of property without due process does not contest the fact or duration of his confinement. Therefore,

petitioner's claim does not serve as a basis for habeas corpus relief. *See Carson v. Johnson*, 112 F.3d 818, 820-21 (5th Cir. 1997). Thus, the proper vehicle for petitioner to bring his claim is to file a § 1983 lawsuit. *Id.* at 821.

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 14th day of October, 2016.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE