

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SABINA SCHLOTZHAUER,
Petitioner,

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VS.

CIVIL ACTION NO.4:11-CV-012-Y

JOE KEFFER, Warden,
FMC-Fort Worth,
Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2241 of petitioner Sabina Schlotzhauer, along with the May 11, 2011, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until July 1 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the motion to dismiss and for summary judgment should be granted, and the grounds for relief in the petition for writ of habeas corpus should be dismissed in part, and denied.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

The March 11, 2011, motion to dismiss and for summary judgment(as corrected) (docs. 4 and 8) is GRANTED.

Petitioner Sabina Schlotzhauer's petition for writ of habeas corpus, grounds one (claim for an order to provide immediate cardiothoracic surgery) and three (claim for immediate release due to a miscarriage of justice based upon malicious prosecution and due process violations), are DISMISSED for lack of jurisdiction; and ground two (claim for early release for health and age reasons under 18 U.S.C. § 3582) is DENIED.

SIGNED July 18, 2011.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE