

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ANTHONY LAZZARINO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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1:24-CV-396-RP

ORDER

Before the Court is Petitioner Anthony Lazzarino’s (“Lazzarino”) Petition Under 28 U.S.C. § 2241, (Dkt. 1). The case was referred to United States Magistrate Judge Mark Lane for findings and recommendations, pursuant to 28 U.S.C. § 636(b). Judge Lane filed his report and recommendation on May 2, 2024. (Dkt. 4). In his report and recommendation, Judge Lane recommends that the Court dismiss Lazzarino’s petition for lack of subject matter jurisdiction. (*Id.* at 4). The docket indicates that Lazzarino received notice of the report and recommendation at least by May 8, 2024. (Dkt. 6). As of the date of this order, Lazzarino has not filed any objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 4), is **ADOPTED**.

IT IS FURTHER ORDERED that Lazzarino's Petition Under 28 U.S.C. § 2241, (Dkt. 1), is **DISMISSED** for lack of subject matter jurisdiction.

SIGNED on June 5, 2024.

A handwritten signature in blue ink, appearing to read "R. Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE