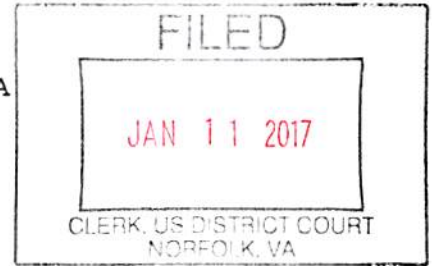


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



JOSE RIVERA GARCIA, #08744-003,

Petitioner,

v.

ACTION NO. 2:16cv167

ERIC D. WILSON,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner challenges the calculation of the federal sentence he received from the Southern District of Alabama, arguing that the Bureau of Prisons miscalculated his good time credit, and failed to apply a sentence reduction.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. Report of the Magistrate Judge was filed on November 28, 2016, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's Report

and Recommendation and the time for filing objections has now expired.

Accordingly, the Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed November 28, 2016, and it is, therefore ORDERED that respondent's Motion for Summary Judgment be GRANTED, and that the petition be DENIED and DISMISSED with prejudice.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to petitioner and provide an electronic copy of the Final order to counsel of record for respondent.

/s/

REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

January 11, 2017