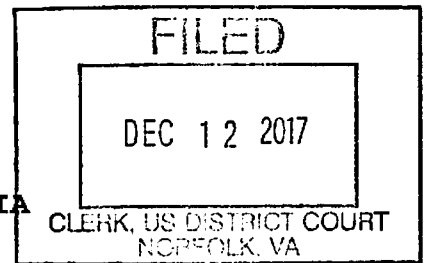


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



HARVEY TURNER, #17391-424,

Petitioner,

v.

Civil Action No. 2:17cv216

ERIC WILSON, *Warden,*  
*Federal Correctional*  
*Institution Petersburg,*

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner Harvey Turner ("Turner" or "Petitioner"), a federal inmate, was convicted in 2005, in the Northern District of Illinois of various gun and drug-related crimes. At sentencing, he was found to be a career offender, and the guideline calculation for his sentence was adjusted upwards accordingly. He is currently serving a total of 292 months in prison. Turner's petition seeks recalculation of his sentence, a resentencing hearing or release from prison.

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 report and recommendation. Report of the Magistrate Judge was filed on November 13 2017, 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 13, 2017, and it is, therefore ORDERED that respondent's Motion to Dismiss be GRANTED, and that the petition be DENIED and DISMISSED.

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.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

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

December 12, 2017