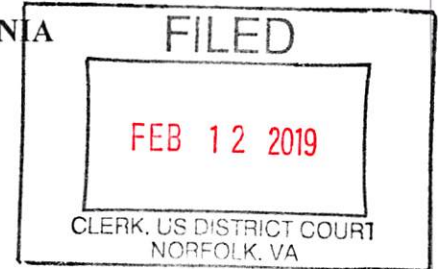


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



VICTOR GARCIA VILLARREAL,
#88984-179,

Petitioner,

v.

Action No. 2:17cv533

ERIC WILSON,
Warden,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner Victor Garcia Villarreal is a federal prisoner convicted and sentenced in the United States District Court for the Northern District of Florida, and presently confined at the Federal Correctional Institution in McRae, Georgia, although he was confined in a federal correctional institution in Petersburg, Virginia at the time he filed his petition. ECF Nos. 1, 10.


The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. In the report and recommendation filed December 21, 2018, the Court found that the “savings clause” in 28 U.S.C. § 2255(e) does not apply to Villarreal’s petition. ECF No. 10. As a result, Villarreal cannot challenge the legality of his conviction by means of a section 2241 habeas petition. The report recommends that Villarreal’s petition for a writ of habeas corpus be dismissed without

prejudice. The Court has received no objections to the report and recommendation and the time for filing objections has expired.

The Court does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. It is, therefore, **ORDERED** that the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

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

The Clerk shall mail a copy of this Final Order to counsel of record for respondent and to Villarreal at the address of record and McRae Correctional Institution, P.O. Drawer 55030, McRae Helena, GA 31055.



Raymond A. Jackson
United States District Judge

Raymond A. Jackson
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
February // , 2019