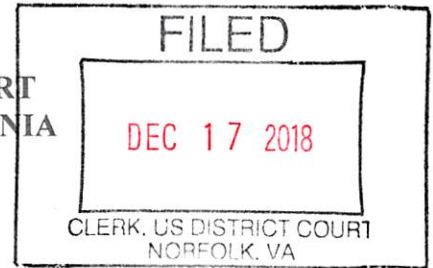


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



WILLARD LEE ACKLIN, #22061-056,

Petitioner,

v.

CIVIL ACTION No. 2:17-cv-639

WARDEN, FCI PETERSBURG LOW,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner Willard Lee Acklin seeks to have the court vacate the sentence he received following a 2002 jury verdict rendered in the U.S. District Court for the Eastern District of North Carolina and resentence him without enhancement under the Armed Career Criminal Act.

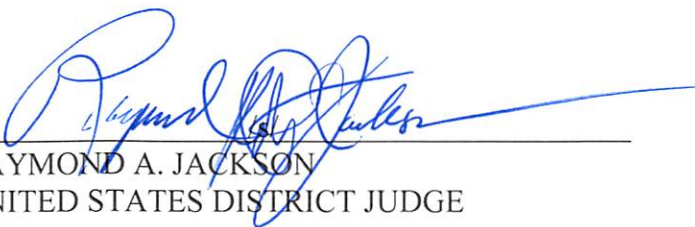
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report of the Magistrate Judge was filed on November 19, 2018, recommending dismissal of the petition without prejudice for lack of jurisdiction. 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 19, 2018, and it is, therefore ORDERED that respondent's Motion to Dismiss be GRANTED, and that the petition be DENIED

and DISMISSED without 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.


RAYMOND A. JACKSON
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

ENTERED: December 17, 2018