

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

THOMAS JEROME TAYLOR,

Petitioner,

v.

Civil Action No. 2:18-cv-248

J. RAY ORMOND,

Respondent.

FINAL ORDER

Before the Court is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. ECF No. 1. In his Petition, the pro se Petitioner asserts that the DHO failed to timely provide him with the DHO's Reports regarding three separate DHO hearings in violation of 28 C.F.R. § 541.8, the BOP's Program Statement 5270.09, and the Due Process Clause of the United States Constitution. *Id* at 6—7.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. The Magistrate Judge's Report and Recommendation filed June 6, 2019, recommends Dismissal of the Petition without prejudice. ECF No. 16. The parties were advised of their right to file written objections to the Report and Recommendation. Neither Petitioner nor Respondent filed objections with the Court and the time to do so has expired.¹

¹ On July 8, 2019, the Report and Recommendation (R&R) was returned as "not deliverable as addressed, unable to forward." ECF No. 17. On August 7, 2019, the Court issued an Order, directing the Clerk to resend a copy of the R&R to the address listed for Petitioner on the Bureau of Prisons Inmate Locator website and extended the deadline

Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation (ECF No. 16) in its entirety as the Court's own opinion. Accordingly, the Respondent's motion to dismiss (ECF No. 6) is **GRANTED**, and the Petition (ECF No. 1) is **DENIED** and **DISMISSED WITHOUT PREJUDICE**. It is **ORDERED** that Judgment be entered in favor of Respondent.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date Judgment is entered. Because Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. *See Miller-El v. Cockrell*, 537 U.S. 322, 335—36 (2003).

The Clerk is **DIRECTED** to please forward a copy of this Order to Petitioner and counsel of record for Respondent.

It is so **ORDERED**.



Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia

Date: Sept 4, 2019