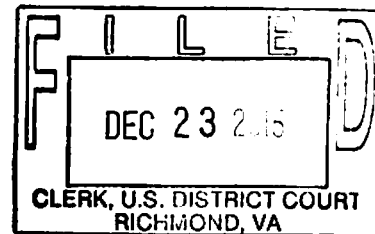


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



GENNY RIVAS,

Petitioner,

v.

Civil Action No. 3:14CV719

ERIC WILSON,

Respondent.

MEMORANDUM OPINION

Genny Rivas, a former federal inmate proceeding *pro se*, submitted this Petition for a Writ of Habeas Corpus (“§ 2241 Petition,” ECF No. 3). In his § 2241 Petition, Rivas sought admittance to the Bureau of Prisons’ residential substance abuse program with its related one-year reduction to his term of imprisonment for successful completion of that program. (§ 2241 Pet. 5 (as paginated by CM/ECF).) Respondent moved for summary judgment on the ground that the § 2241 Petition should be dismissed as moot because Rivas has been released from incarceration. On November 18, 2015, the Magistrate Judge issued a Report and Recommendation that recommended dismissing the action as moot. The Court advised Rivas that he could file objections within fourteen (14) days after the entry of the Report and Recommendation.¹ More than fourteen (14) days have elapsed since the entry of the November 18, 2015 Report and Recommendation and Rivas has not filed objections.

“The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a de novo determination of those portions

¹ On December 7, 2015, the United States Postal Service returned the Report and Recommendation sent to Rivas because Rivas moved and failed to provide a forwarding address.

of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate’s report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge’s recommendation without conducting a de novo review. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, the Report and Recommendation will be ACCEPTED and ADOPTED. The Motion for Summary Judgment (ECF No. 13) will be GRANTED and the § 2241 Petition will be DISMISSED as MOOT. The Motion to Dismiss (ECF No. 12) will be DENIED as MOOT.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: 12-22-15
Richmond, Virginia

<u> /s/ </u> James R. Spencer Senior U. S. District Judge
