

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

MONROE E. BULLOCK,

Petitioner,

v.

Civil Action No. 3:19CV97

M. BOLSTER,

Respondent.

MEMORANDUM OPINION

Monroe E. Bullock, a federal inmate proceeding *pro se*, filed this petition pursuant to 28 U.S.C. § 2241, in which he raises two claims: (1) that the First Step Act affords him relief; and, (2) that he is being “unlawfully detained” because the “United States Marshal Service never lawfully executed and committed [him] to the Custody of the United States Attorney General” after he was sentenced in 1996. (Mem. Supp. § 2241 Petition 25–26, ECF No. 2.) Respondent M. Bolster moved to dismiss Bullock’s petition because “this Court lacks jurisdiction to entertain either claim.” (Mot. Dismiss 1, ECF No. 9.) In response to the Motion to Dismiss, Bullock asked to “voluntarily withdraw [Claim One] from his [§ 2241 Petition].” (Resp. 1, ECF No. 10.)

On January 16, 2019, the Magistrate Judge issued a Report and Recommendation wherein he recommended granting the Motion to Dismiss and dismissing the § 2241 Petition without prejudice. The Magistrate Judge advised Bullock that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Bullock has not responded and the time to do so has expired.

“The magistrate [judge] 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 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 [judge’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) (footnote omitted). 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, and the Court having determined that the Report and Recommendation is correct on its merits, the Report and Recommendation (ECF No. 12) will be ACCEPTED and ADOPTED. Respondent’s Motion to Dismiss will be GRANTED. (ECF No. 9.) The Court will dismiss without prejudice Bullock’s § 2241 Petition. (ECF No. 1.) Bullock’s claims and the action will be DISMISSED.

An appropriate Order will accompany this Memorandum Opinion.



M. Hannah Lauck
United States District Judge

Date: Feb. 20, 2020
Richmond, Virginia