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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JAMAL GARDNER,

9 Petitioner,

10 v.

11 WARDEN, FEDERAL DETENTION  
12 CENTER, SEATAC,

13 Respondent.

CASE NO. 2:24-cv-01413-JCC-GJL

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

14 The Court, having reviewed the Report and Recommendation of Magistrate Judge Grady  
15 J. Leupold, objections to the Report and Recommendation, if any, and the remaining record, does  
16 hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation.
- 18 (2) Petitioner's federal habeas Petition (Dkt. 1) is construed as a Motion for sentence  
19 modification (compassionate release) under 18 U.S.C. § 3582(c)(1) and shall be  
20 filed in the matter *United States v. Gardner*, No. 2:21-cr-00191-RAJ-1 (W.D.  
21 Wash. 2021) (Jones, J.).
- 22 (3) Petitioner's federal habeas Petition (Dkt. 1) is dismissed without prejudice.
- 23 (4) The Clerk is directed to send copies of this Order to Petitioner and to the Hon.  
24 Grady J. Leupold.

**DATED** this 23rd day of October, 2024.



JOHN C. COUGHENOUR  
United States District Judge