

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CECIL DUDGEON,

Petitioner,

BERNARD WARNER,

Respondent.

CASE NO. 12-6039 RJB/KLS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of U.S.

17 Magistrate Judge Karen L. Strombom. Dkt. 11. The Court has considered the Report and
18 Recommendation, objections, and the remaining file.

19 Petitioner, who at the time was a civilly committed violent sex predator, filed this petition
20 pursuant to 28 U.S.C. § 2241 on December 3, 2012. Dkt. 1. The Report and Recommendation
21 recommends dismissal of the 28 U.S.C. § 2241 petition without prejudice because the Court does
22 not have jurisdiction to issue a mandamus to compel action by a state official, because petitioner
23 has not exhausted his state court remedies, and because he is no longer in custody for the

1 purposes of attacking his sex offender registration. Dkt. 11. The facts and procedural history are
2 contained within the Report and Recommendation and are adopted here. Dkt. 11, at 1-3.

3 Petitioner files objections (Dkt. 12), but does not meaningfully contest the Report and
4 Recommendation's factual recitation or recommendations. His objections include his
5 acknowledgement that the authority to issue the mandate he seeks "lies more appropriately with
6 the Washington State Supreme Court" and that he has not exhausted his state court remedies.
7 Dkt. 12, at 3. Although he repeats his assertion that the Washington State Department of
8 Corrections is still involved in the treatment of sex predators, he fails to show how he is entitled
9 to relief under the petition presently before the Court. The Report and Recommendation should
10 be adopted and the petition dismissed without prejudice.

11 Accordingly, it is **ORDERED** that:

- 12 1) The Report and Recommendation (Dkt. 11) is **ADOPTED**;
- 13 2) The petition (Dkt. 4) is **DISMISSED WITHOUT PREJUDICE**;
- 14 3) This case is **CLOSED**; and
- 15 4) The Clerk is directed to send copies of this Order to Petitioner and to the hon. Karen
16 L. Strombom.

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
18 to any party appearing *pro se* at said party's last known address.

19 Dated this 8th day of May, 2013.

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ROBERT J. BRYAN
United States District Judge