

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NAKIE HARRIS,

Petitioner,

v. // CIVIL ACTION NO. 1:15CV64
(Judge Keeley)

LEONARD ODDO,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 22]

On April 13, 2015, the pro se petitioner, Nakie Harris ("Harris"), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. §§ 2241, which the Court referred to United States Magistrate Judge Michael J. Aloi for initial screening and a Report and Recommendation ("R&R") in accordance with LR PL P 2.

On July 10, 2017, Magistrate Judge Aloi issued an R&R, in which he recommended that the Court deny and dismiss Harris's petition for lack of jurisdiction (dkt. no. 22 at 9). The Clerk originally mailed the R&R to FCI Hazelton at the address of record for Harris. On July 17, 2017, Harris filed a notice informing the Court that he had moved to FCI Leavenworth, Kansas. Consequently, the original mailing of the R&R was returned as undeliverable on July 21, 2017. In possession of the new address for Harris, the Clerk re-mailed the R&R, which was accepted by Harris at FCI Leavenworth on August 4, 2017 (dkt. no. 28).

The R&R also specifically warned Harris he had fourteen days in which to file any written objections to the R&R, and that his

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failure to object to the recommendation would result in the waiver of any appellate rights he might otherwise have on this issue (dkt. no. 22 at 9). The parties did not timely file any objections.¹ Consequently, finding no clear error, the Court **ADOPTS** the R&R in its entirety (Dkt. No. 22), **DENIES** the petition (dkt. no. 1), and **ORDERS** that this case be **DISMISSED WITHOUT PREJUDICE** and stricken from the Court's active docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to the pro se petitioner, certified mail, return receipt requested.

Dated: August 22, 2017.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).