

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

CODY RAY LEVEKE,

Petitioner,

v.

Civil Action No. 5:23-CV-265
Judge Bailey

**WARDEN BROWN, and MARICOPA
COUNTY SHERIFF,**

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that the respondent Brown's Motion for Summary Judgment [Doc. 13] be granted and the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Doc. 1] be denied and dismissed with prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. *Thomas v. Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United*

States v. Schronce, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 16] is **ADOPTED**. Moreover, the respondent Brown's Motion for Summary Judgment [Doc. 13] is **GRANTED**, the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Doc. 1] is **DENIED AND DISMISSED WITH PREJUDICE**, and petitioner's Notice of Impending Custody Transfer [Doc. 17] is **DENIED AS MOOT**. The Clerk is **DIRECTED TO STRIKE** the above-styled matter from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to send a copy to petitioner by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: February 5, 2024.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE