

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GREGORY LEANDRE,

Petitioner,

v.

CIVIL ACTION NO. 2:15-cv-5577

DEPARTMENT OF CORRECTIONS, et al.,

Respondents.

MEMORANDUM OPINION & ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On October 29, 2015, Judge Tinsley submitted his Proposed Findings and Recommendations [ECF No. 5] (“PF&R”) and recommended that the court **DENY** the petitioner’s Petition for a Writ of Mandamus [ECF No. 1]. The PF&R further recommended that the court construe the petition as a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and **TRANSFER** this matter to the United States District Court for the Middle District of Florida, Jacksonville Division, where the petitioner is in custody and where the Petition would properly be filed. No party filed objections to the PF&R.

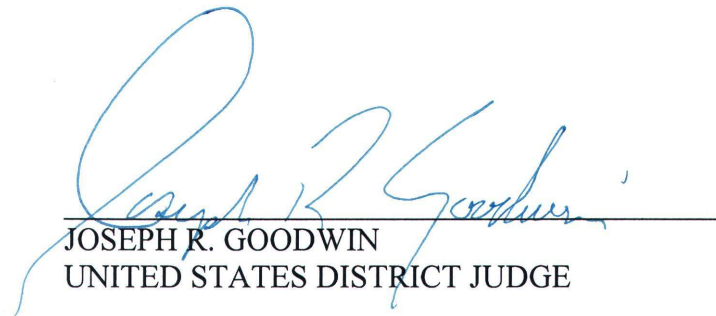
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard,

the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because the parties have not filed objections, the court **ACCEPTS** and **INCORPORATES** herein the PF&R and orders judgment consistent therewith.

The court **DENIES** the petitioner's Petition for a Writ of Mandamus [ECF No. 1]. The court further construes the petition as a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and **ORDERS** this matter be **TRANSFERRED** to the United States District Court for the Middle District of Florida, Jacksonville Division.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 4, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE