

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

**BECKLEY DIVISION**

STEVEN WOODALL,

Petitioner,

v.

CIVIL ACTION NO. 5:08-cv-1032  
(Criminal No. 2:06-cr-00125)

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

In this action, Petitioner Steven Woodall, an inmate at FCI Beckley, Beaver, West Virginia, and acting *pro se*, filed his “Motion for Modification of Sentence Pursuant to 18 U.S.C. 3582(c)(2),” which the court recharacterized as a petition for relief under 28 U.S.C. § 2241.

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this court of proposed findings of fact and a recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 15, 2009, the Magistrate Judge submitted his *Proposed Findings and Recommendation* wherein he recommended that the court dismiss the petition with prejudice and remove this matter from the court’s docket. Neither party has filed objections to the Magistrate Judge’s findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The court **DENIES** the petition and **DISMISSES** this action from the court’s docket.

The court **DIRECTS** the Clerk to send a copy of this written opinion and order to Magistrate Judge VanDervort, counsel of record, and to Petitioner.

ENTER: May 6, 2009

  
Joseph R. Goodwin, Chief Judge