

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

ANTOINE A. JONES,

Petitioner,

v.

//

CIVIL ACTION NO. 1:12CV86
(Judge Keeley)

KUMA J. DEBOO, Warden,
FCI Gilmer,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On May 18, 2012, the pro se petitioner, Antoine A. Jones ("Jones"), filed a petition pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge John S. Kaul for initial screening and a report and recommendation in accordance with LR PL P 2. On July 23, 2012, the respondent, Kuma J. DeBoo ("DeBoo"), filed a Motion to Dismiss or For Summary Judgment and Response to Order to Show Cause. (Dkt. No. 15). The petitioner responded in opposition to DeBoo's motion on August 13, 2012. (Dkt. No. 19).

On October 5, 2012, Magistrate Judge Kaul issued an Opinion and Report and Recommendation ("R&R"), in which he recommended that DeBoo's motion to dismiss or for summary judgment be granted and the petitioner's § 2241 petition be denied and dismissed with prejudice. (Dkt. No. 20). The magistrate judge determined that Jones's petition failed to state a claim for relief because the district court that sentenced Jones did not improperly delegate to

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the Bureau of Prisons ("BOP") its authority to set the amount and timing of Jones's restitution, and the BOP has discretion to place Jones in the Inmate Financial Responsibility Plant.

The R&R also specifically warned Jones that his failure to object to the recommendation would result in the waiver of any appellate rights he might otherwise have on this issue. The parties did not file any objections.* Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 20), **GRANTS** the motion to dismiss (dkt. no. 15), **DENIES** the § 2241 petition (dkt. no 1) and **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and stricken from the Court's 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 both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: November 8, 2012.

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

* 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).