

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Posey v. Warden, FCI-Herlong

No. 2:24-cv-2805-TLN-CSK · No. No. 2:24-cv-2805-TLN-CSK · Decided June 18, 2025

OPINION

(HC) Posey v. Warden, FCI-Herlong

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 DANIEL POSEY, III, No. 2:24-cv-2805-TLN-CSK

12 Petitioner, 13 v. ORDER

14 WARDEN, FCI-HERLONG,

15 Respondent. 16

17 Petitioner Daniel Posey, III (“Petitioner”), a federal prisoner proceeding pro se, filed an 18
application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to
19 a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20
On May 12, 2025, the magistrate judge filed findings and recommendations herein which 21 were
served on all parties and which contained notice to all parties that any objections to the 22
findings and recommendations were to be filed within fourteen days. Neither party filed 23
objections to the findings and recommendations. 24 Although it appears from the file that
petitioner’s copy of the findings and 25 recommendations was returned, petitioner was properly
served. It is petitioner’s responsibility to 26 keep the Court apprised of his current address at all
times. Pursuant to Local Rule 182(f), service 27 of documents at the record address of the party is
fully effective. 28 //// 1 The Court presumes that any findings of fact are correct. See *Orand v.*
United States, 602 2 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are
reviewed de novo. 3 See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.
1983). Having reviewed 4 the file, the Court finds the findings and recommendations to be
supported by the record and by 5 the magistrate judge’s analysis.1 6 Accordingly, IT IS HEREBY
ORDERED that: 7 1. The findings and recommendations (ECF No. 24) are adopted in full; and 8
2. This action is dismissed without prejudice based on petitioner’s failure to prosecute. 9 IT IS SO
ORDERED. 10 Date: June 17, 2025 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 1 A
certificate of appealability is not required for an appeal from the denial of a petition for writ of

habeas corpus brought pursuant to 28 U.S.C. § 2241. See 28 U.S.C. § 2253; Harrison v. 28 Ollison, 519 F.3d 952 (9th Cir. 2008).

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