

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

Thomas Austin Hill v. B. M. Trate

Hill v. Trate · No. 1:22-cv-01433-KJM-CDB (HC) · Decided August 4, 2025

OPINION

(HC) Hill v. Trate

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 THOMAS AUSTIN HILL, Case No. 1:22-cv-01433-KJM-CDB (HC) 12 Petitioner,
ORDER 13 v.

14 B. M. TRATE,

15 Respondent. 16

Petitioner Thomas Austin Hill (“Petitioner”) is a federal prisoner proceeding pro se and in 17 18
forma pauperis with a petition for writ of habeas corpus under 28 U.S.C. § 2241. This matter was
19 referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and
Local Rule 20 302(c)(17). 21 On September 12, 2024, Respondent B. M. Trate (“Respondent”)
filed a motion to dismiss 22 asserting that the Bureau of Prisons (“BOP”) correctly calculated all
applicable time credits and 23 Petitioner failed to exhaust administrative remedies. See ECF No.
22. After three extensions of time 24 within which to file his response, Petitioner filed an
opposition on February 28, 2025. See ECF No. 25 32. On June 12, 2025, the assigned magistrate
judge issued findings and recommendations that the 26 motion to dismiss be granted and the
petition be dismissed. See ECF No. 33. On July 2, 2025, 27 Petitioner filed objections to the
findings and recommendations. See ECF No. 34. 28 // In accordance with the provisions of 28
U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case.
Having reviewed the file, the court finds the findings an ; recommendations to be supported by the
record and by the proper analysis. ‘ As the petition is brought under § 2241 and the detention
complained of does not arise out of ° process issued by a state court, no certificate of appealability
is required. See *Porter v. Adams*, ° 244 F.3d 1006, 1006-07 (9th Cir. 2001) (citing *Forde v. U.S.*
Parole Comm'n, 114 F.3d 878, 879 (9th Cir. 1997)). ° Accordingly, the Court orders: ° 1. The
findings and recommendations issued on June 12, 2025 (Doc. 33) are adopted.

2. Respondent’s motion to dismiss (ECF No. 22) is granted.

3. The petition for writ of habeas corpus (ECF No. 1) is dismissed with prejudice.

3 4. The Clerk of Court is directed to close the case. 14 This order resolves ECF No. 33. 15 IT IS
SO ORDERED. 16 DATED: August 1, 2025. 17
18 NITED STATES DISTRICT JUDGE
19 20 21 22 23 24 25 26 27 28

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