

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Blanc v. Taylor

Blanc · No. 1:24-cv-01369-KES-SAB (HC) · Decided June 20, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a federal prisoner’s 28 U.S.C. § 2241 habeas case. The court granted the respondent’s motion to dismiss, dismissed the petition, and directed the Clerk of Court to close the case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 LUKNER BLANC, No. 1:24-cv-01369-KES-SAB (HC) 12 Petitioner,
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, GRANTING 13 v.
RESPONDENT’S MOTION TO DISMISS, DISMISSING PETITION FOR WRIT OF 14 T.
TAYLOR, HABEAS CORPUS, AND DIRECTING CLERK OF COURT TO CLOSE CASE 15
Respondent.

Docs. 8, 10 16 17 Petitioner is a federal prisoner proceeding pro se with a petition for writ of
habeas corpus 18 pursuant to 28 U.S.C. § 2241. This matter was referred to a United States
Magistrate Judge 19 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On April 22,
2025, the assigned magistrate judge issued findings and recommendations 21 that recommended
granting respondent’s motion to dismiss and dismissing the petition.

Doc. 10. 22 The findings and recommendations were served on petitioner and contained notice
that any 23 objections thereto were to be filed within thirty days after service. To date, no
objections have 24 been filed, and the time for doing so has passed. 25 In accordance with the
provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de 26 novo review of the case.

Having carefully reviewed the entire file, the Court holds the findings 27 28 1 | and
recommendations to be supported by the record and proper analysis.' 2 In the event a notice of
appeal is filed, a certificate of appealability will not be required 3 | because this is an order
denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, 4 | nota final order in a
habeas proceeding in which the detention complained of arises out of 5 || process issued by a state
court.

Forde v. U.S. Parole Commission, 114 F.3d 878 (9th Cir. 1997); 6 | see Ojo v. INS, 106 F.3d 680, 681-82 (Sth Cir. 1997); Bradshaw v. Story, 86 F.3d 164, 166 (10th 7 | Cir. 1996). Accordingly: 8 1. The findings and recommendations issued on April 22, 2025, Doc. 10, are ADOPTED 9 in full; 10 2. Respondent's motion to dismiss, Doc. 8, is GRANTED; 11 3.

The petition for writ of habeas corpus is DISMISSED; and 12 4. The Clerk of Court is directed to close the case. 13 14 15 | IT IS SO ORDERED. _ 16 Dated: _ June 19, 2025 UNITED STATES DISTRICT JUDGE 17 18 19 20 21 22 ' The findings and recommendations correctly construed the third claim as alleging only that 24 | petitioner had not been provided the DHO report within the fifteen day-period provided for in BOP Program Statement 5270.09.

Doc. 10 at 3-4; see Doc. | at 2, 6 (petitioner alleged 25 throughout the petition that the prison failed to provide the DHO report "within the time required 26 | by law" and "on time"). And given that a "habeas claim cannot be sustained based solely upon the BOP's purported violation of its own program statement because noncompliance with a BOP 27 || program statement is not a violation of federal law," Reeb v. Thomas, 636 F.3d 1224, 1227 (9th Cir.

2011), the findings and recommendations correctly concluded that the third claim should be 28 | dismissed.