

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LAWRENCE SMEDLEY,

Petitioner,

v.

JEFFREY S. WALTON,

Respondent.¹

No. 12-cv-3-DRH-PMF

ORDER

HERNDON, Chief Judge:

Before the Court is a Report and Recommendation (R&R) (Doc. 14), issued on March 7, 2013, by United States Magistrate Judge Philip M. Frazier, recommending denial of petitioner Lawrence Smedley's § 2241 petition for a writ of habeas corpus (Doc. 1). Generally, petitioner requests that the Court order a reduction to his federal sentence because it was improperly calculated. Specifically, petitioner claims that he should receive an additional 335 days of credit for time spent in jail before his federal sentence began even though he received credit for that time toward a prior state sentence.

On March 7, 2013, the R&R was sent to the parties with a notice informing them of their right to file objections within fourteen days of service. Neither party filed timely objections to the R&R. Thus, pursuant to 28 U.S.C. § 636(b), this

¹ As the current warden of USP Marion, Jeffrey S. Walton is substituted as respondent. See Fed. R. Civ. P. 25(d). **The Clerk is instructed to change the docket sheet accordingly.**

Court need not conduct a *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). In reviewing the unobjected to R&R for clear error, the Court is satisfied that Magistrate Judge Frazier's recommendation is correct. See *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). Accordingly, the Court **ADOPTS** the R&R (Doc. 14) in its entirety. Petitioner's § 2241 petition is **DENIED**. The Court **DISMISSES** petitioner's claims **with prejudice**.

IT IS SO ORDERED.

Signed this 3rd day of April, 2013.

 Digitally signed by
David R. Herndon
Date: 2013.04.03
13:49:29 -05'00'



Chief Judge
United States District Court