UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY CENTRAL DIVISION (at Lexington)

MONTRELL D. GREEN,)	
Petitioner,)	Civil Action No. 5: 22-295-DCR
V.)	
STATE OF FLORIDA,)	MEMORANDUM ORDER
Respondent.)	
	***	***	***	***

Petitioner Montrell Green is confined at the Suwannee Correctional Institution in Live Oak, Florida. He has filed a "Motion for Post-Conviction Relief Pursuant to Florida Rules of Criminal Procedure 3.850(M) Petition for Habeas Corpus." [Record No. 1] Upon initial review of the petition, United States Magistrate Judge Hanly A. Ingram observed that "even if the 'Motion' is construed as a federal habeas corpus petition under 28 U.S.C. § 2254 . . . the Eastern District of Kentucky is not the appropriate venue." Green seeks to challenge a judgment entered by the Circuit Court of Lee County, Florida, which lies within the Middle District of Florida.

"Writs of habeas corpus may be granted by . . . the district courts . . . within their respective jurisdictions." 28 U.S.C. § 2241(a). Fourteen days have passed since entry of the Magistrate Judge's Report and Recommendation and the parties have failed to object. Although this Court must make a *de novo* determination of those portions of the Magistrate Judge's recommendations to which timely objections are made, 28 U.S.C. § 636(b)(1)(C), "[i]t does not appear that Congress intended to require district court review of a magistrate's factual

or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Accordingly, it is hereby

ORDERED as follows:

- 1. The Magistrate Judge's Report and Recommendation [Record No. 4] is **ADOPTED** and **INCORPORATED** in full.
- 2. This matter is **TRANSFERRED** to the United States District Court for the Middle District of Florida, Jacksonville Division, for further proceedings

Dated: November 28, 2022.

Danny C. Reeves, Chief Judge United States District Court Eastern District of Kentucky