

# Stewart v. Snider

United States District Court for the Northern District of Alabama, Eastern Division

June 6, 2022, Decided; June 6, 2022, Filed

Case No.: 1:22-cv-294-MHH-JHE

## Reporter

2022 U.S. Dist. LEXIS 100482 \*

ROBERT S. STEWART, JR., Petitioner, v. WARDEN SEAN SNIDER, Respondent.

**Counsel:** [\*1] Robert S Stewart, Jr, Petitioner, Pro se, Anniston, AL.

For S Snider, Respondent: Mary Lester Marshall, United States Attorneys Office, Birmingham, AL.

**Judges:** MADELINE HUGHES HAIKALA, UNITED STATES DISTRICT JUDGE.

**Opinion by:** MADELINE HUGHES HAIKALA

## Opinion

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### MEMORANDUM OPINION

On May 10, 2022, the Magistrate Judge entered a Report and Recommendation. (Doc. 15). The Magistrate Judge recommended that the Court deny the Respondent's motion to dismiss, grant Mr. Stewart's petition for writ of habeas corpus, and order the Respondent to award Mr. Stewart all credit earned between the BOP's December 25, 2021 calculation and April 28, 2022. The Magistrate Judge also recommended that the Court direct the Respondent to reevaluate Mr. Stewart's earned credit time at regular intervals not to exceed every 60 days until the implementation of the automated system. (Doc. 15). The Magistrate Judge advised the parties of their right to file specific written objections to his report. (Doc. 15). The time to file written objections has passed, and the Court has not received objections.

The Court adopts the findings and analysis in the Report and Recommendation. Therefore, the Court denies the Respondent's motion to dismiss. (Doc. 11). The [\*2] Court grants Mr. Stewart's petition for writ of habeas corpus. By separate order, the Court will direct the

Respondent to award Mr. Stewart all credit earned between the BOP's December 25, 2021 calculation and April 28, 2022, and the Court will direct the Respondent to reevaluate Mr. Stewart's earned credit time at regular intervals not to exceed every 60 days until the implementation of the automated system.

**DONE** and **ORDERED** this June 6, 2022.

/s/ Madeline Hughes Haikala

**MADLINE HUGHES HAIKALA**

UNITED STATES DISTRICT JUDGE

### FINAL ORDER

Consistent with the memorandum opinion recently entered in this matter, the Court grants Mr. Stewart's petition for writ of habeas corpus. The Respondent shall award Petitioner Robert S. Stewart, Jr. all credit earned between the BOP's December 25, 2021 calculation and April 28, 2022, and the Respondent shall reevaluate Mr. Stewart's earned credit time at regular intervals not to exceed every 60 days until the implementation of the automated system.

Costs are taxed as paid.

**DONE** and **ORDERED** this June 6, 2022.

/s/ Madeline Hughes Haikala

**MADLINE HUGHES HAIKALA**

UNITED STATES DISTRICT JUDGE