

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JACOB TREMAIN COVINGTON,)	
)	
Petitioner,)	
)	
v.)	
)	No. 12-3222-CV-S-DW
LINDA SANDERS, WARDEN, United States)	
Medical Center for Federal Prisoners,)	
)	
Respondent.)	

ORDER

Pending before the Court is Magistrate Judge James C. England’s Report and Recommendation (Doc. 8). The Petitioner Jacob Tremain Covington ("Covington") filed Exceptions to the Report and Recommendation. Doc. 14. After an independent review of the record, the applicable law and the parties’ arguments, the Court agrees that the Petitioner has failed to exhaust his administrative remedies. See Franklin v. Castillo, Case No. 10-3188-CV-S-ODS, Doc. 17, p. 4 (recommending that petitioner be denied leave to proceed in forma pauperis because he "should have to exhaust administrative remedies under the rule of Willis [v. Ciccone, 506 F.2d 1011 (8th Cir. 1974)] and through applicable BOP regulations"), id. at Doc. 28 (adopting report and recommendation); aff’d Franklin v. Castillo, Case No. 12-1923 (8th Cir. Sept. 12, 2012). Consequently, it is hereby ORDERED that:

- (1) the Court ADOPTS the Magistrate’s Report and Recommendation (Doc. 8); and
- (2) the Magistrate’s Report and Recommendation shall be attached to and made a part of this Order; and

(3) Petitioner Covington's Request to Proceed In Forma Pauperis (Doc. 2) and Petition for Writ of Habeas Corpus (Doc. 1) are DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Date: January 2, 2013

/s/ Dean Whipple
Dean Whipple
United States District Judge