

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 09-2983

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Philip J. Simon,

Appellant,

v.

Warden M. Cruz,

Appellee.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: April 7, 2010  
Filed: April 12, 2010

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Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

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PER CURIAM.

Federal inmate Philip J. Simon appeals the district court's<sup>1</sup> denial of his petition for a writ of habeas corpus, filed under 28 U.S.C. § 2241. Upon de novo review, see Mitchell v. U.S. Parole Comm'n, 538 F.3d 948, 951 (8th Cir. 2008) (per curiam), we conclude that habeas relief was properly denied. Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Michael J. Davis, Chief Judge, United States District Court for the District of Minnesota, adopting the report and recommendations of the Honorable Jeffrey J. Keyes, United States Magistrate Judge for the District of Minnesota.