

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

GENE THOMAS MOONEY,	§	
VS.	§	CIVIL ACTION NO. 6:15cv671
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

Petitioner Gene Thomas Mooney, proceeding *pro se*, filed this petition for writ of habeas corpus under 28 U.S.C. § 2254. The cause of action was referred for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

After a review of the pleadings, the Magistrate Judge issued a Report on May 29, 2018, (Dkt. # 11), recommending that Mooney's petition be dismissed with prejudice. A copy of this Report was sent to his address; return receipt requested. The docket shows that Mooney received the Report on June 1, 2018, (Dkt. # 12). However, to date, no objections to the Report have been filed.

Accordingly, Mooney is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”). Accordingly, it is

ORDERED that the Report of the Magistrate Judge, (Dkt. # 11), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner’s federal petition for a writ of habeas corpus is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **16** day of **July, 2018**.



Ron Clark, United States District Judge