

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

GREGORY MARQUE HILLIE

PETITIONER

V.

NO. 4:17-CV-184-DMB-RP

JUDGE CHARLES WEBSTER, et al.

RESPONDENTS

ORDER

On or about October 30, 2017, Gregory Marque Hillie, a pretrial detainee, filed a petition for a writ of habeas corpus and a motion to proceed in forma pauperis in the United States District Court for the Northern District of Mississippi. Docs. #1, #2. On April 19, 2018, United States Magistrate Judge Roy Percy granted Hillie's motion to proceed in forma pauperis and directed the respondents to file an answer to Hillie's petition. Doc. #4. On April 30, 2018, the Court received from Hillie a document titled "Motion [to] Show Cause" in which, though not entirely clear, Hillie appears to request only a speedy trial. Doc. #6.

On July 5, 2018, the respondents filed a motion to dismiss. Doc. #8. Hillie responded to the motion to dismiss on or about November 19, 2018. Doc. #9. On January 4, 2019, Judge Percy issued a Report and Recommendation recommending that the respondents' motion to dismiss be granted and that Hillie's petition for a writ of habeas corpus be dismissed with prejudice "for failure to state a claim upon which relief can be granted and for failure to exhaust state remedies."¹

¹ Judge Percy commented in the Report and Recommendation:

Mr. Hillie has not named any ground for federal habeas corpus relief in his petition, as he placed "N/A" on the court's habeas corpus form in all the blanks regarding grounds for relief and procedural history. Based upon the language Mr. Hillie has used in other parts of the petition, the court has construed the petition to seek dismissal of his charges (ECF Doc. 1, p. 14), a bond reduction (ECF Doc. 1, pp. 1, 14), and a 'fast and steady trial.' ECF Doc. 1, pp. 1, 14.

Doc. #10 at 2.

Doc. #10 at 1, 9. On January 28, 2019, Judge Percy, construing the “Motion [to] Show Cause” as a motion to amend, deemed the petition amended as of the date the motion was filed.² Doc. #11. No objections to the Report and Recommendation were filed.

Under 28 U.S.C § 636(b)(1), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F.Supp.3d 944, 948 (S.D. Tex. 2017) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

The Court has reviewed the Report and Recommendation and finds that it is neither clearly erroneous nor contrary to law. Accordingly, the Report and Recommendation [10] is **ADOPTED** as the order of this Court; the respondents’ motion to dismiss [8] is **GRANTED**; and Hillie’s petition [1] is **DISMISSED with prejudice**. A final judgment consistent with this order will issue separately.

SO ORDERED, this 21st day of March, 2019.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

² Hillie’s request for a speedy trial in the “Motion [to] Show Cause” and Judge Percy’s ruling on it, do not impact the Court’s decision regarding the Report and Recommendation.