

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CARLOS TERRILL MAXWELL,)	
)	
Plaintiff/Petitioner,)	
)	
vs.)	Case No. CIV-13-0145-F
)	
REECE LANE,)	
)	
Defendant/Respondent.)	


ORDER

The Report and Recommendation of Magistrate Judge Suzanne Mitchell is before the court. Doc. no. 14. By this action, petitioner Maxwell seeks a federal writ of mandamus against the respondent, an official of Oklahoma County. The Report recommends dismissal for lack of subject matter jurisdiction. The Report further advises petitioner of his right to object to the Report by July 31, 2013, and that failure to make timely objection waives the right to appellate review of factual and legal issues addressed in the Report. No objection or request for an extension of time has been filed.

Having conducted its own review and with there being no objection, the Report and Recommendation of Magistrate Judge Mitchell is **ACCEPTED, ADOPTED** and **AFFIRMED**. Petitioner's application for a writ of mandamus is **DISMISSED** for

lack of subject matter jurisdiction. Also as recommended in the Report, petitioner's motion for appointment of counsel is deemed **MOOT**.

Dated this 13th day of August, 2013.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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