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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ANDRE DESHAWN MILLER	§	
VS.	§	CIVIL ACTION NO. 1:06cv560
NATHANIEL QUARTERMAN	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Andre Deshawn Miller, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus. The court referred the matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable orders of this court.

Petitioner has filed a motion for default judgment (doc. no. 9). The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. No objections to the Report and Recommendation were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The motion for default judgment is **DENIED**.

So **ORDERED** and **SIGNED** this **2** day of **September, 2008.**

Ron Clark, United States District Judge

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