

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

RUSSELL NORMAN OLSTAD, JR. §
VS. § CIVIL ACTION NO. 1:07cv690
DIRECTOR, TDCJ-CID §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Russell Norman Olstad, Jr., proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

The respondent has filed a motion asking that the petition be dismissed as barred by the applicable statute of limitations. The magistrate judge has submitted a Report and Recommendation 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. The respondent filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit. As petitioner is complaining that the Texas Board of Pardons and Paroles improperly failed to release him on parole in 2007, the period of limitations began to run on the date of the decision in 2007, even though the basis for certain grounds for review may have been known to petitioner when he was denied release on parole in 2004.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED as the opinion of the court. The respondent's motion to dismiss is **DENIED**.

So **ORDERED** and **SIGNED** this **9** day of **September, 2008**.

A handwritten signature in black ink, appearing to read "Ron Clark". The signature is written in a cursive, flowing style.

Ron Clark, United States District Judge