

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

PAUL JAMES KOUMJIAN,

Petitioner,

versus

DIRECTOR, TDCJ-CID,

Respondent.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:08-CV-373

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Paul James Koumjian, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The court previously referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

The respondent has filed a motion asking that the petition be dismissed as successive. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be denied.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge’s Report and Recommendation.

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 respondent's motion to dismiss is **DENIED**. The respondent shall, within 30 days of the date set forth below, file a response addressing the merits of the petition.

SIGNED at Beaumont, Texas, this 25th day of August, 2009.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE