

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MONTY SHELTON,

Petitioner,

versus

JODY UPTON,

Respondent.

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CIVIL ACTION NO. 1:08-CV-677

Consolidated With

MONTY SHELTON,

Petitioner,

versus

JODY UPTON,

Respondent.

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CIVIL ACTION NO. 1:09-CV-415

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

Petitioner Monty Shelton, an inmate formerly confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought these consolidated petitions for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

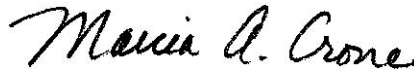
The court referred these matters to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the respondent’s motion to dismiss should be granted, and the above-styled petitions should be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Petitioner's objections are without merit.

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**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Sherman, Texas, this 10th day of September, 2012.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE