

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

BRANDON OVERSHOWN,

Petitioner,

*versus*

JODY R. UPTON,

Respondent.

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CIVIL ACTION NO. 1:10-CV-770

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

Petitioner, Brandon Overshown, an inmate confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends respondent’s motion for summary judgment be granted.<sup>1</sup>

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. 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 applicable law. FED. R. CIV. P. 72(b). After careful consideration, the court finds petitioner’s objections lacking in merit. As the magistrate judge correctly concluded, there is no genuine dispute of material fact as to whether petitioner exhausted his administrative remedies.

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<sup>1</sup> This matter was originally referred to the Honorable Earl S. Hines but was reassigned to the Honorable Zack Hawthorn on August 4, 2011.

**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 Beaumont, Texas, this 12th day of September, 2011.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE