

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

ANGEL NERI ESTRADA TELLO §
VS. § CIVIL ACTION NO. 1:11cv656
M. MARTIN §

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

Angel Neri Estrada Tello, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends the petition be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court concludes the objections are without merit. Petitioner asserts that the writ of habeas corpus has been improperly suspended if relief is not available to him under 28 U.S.C. § 2255 or § 2241. However, this claim is without merit because the savings clause under § 2255 does not violate the Suspension Clause of the United States Constitution. *Wesson v. U.S. Penitentiary, Beaumont*, 305 F.3d 343, 346-47 (5th Cir. 2002).

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 shall be entered dismissing the petition.

So **ORDERED** and **SIGNED** this **6** day of **March, 2012**.

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