

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TIMOTHY SMITH,

Petitioner,

versus

WARDEN, FCC-BEAUMONT,

Respondent.

CIVIL ACTION NO. 1:11-CV-693

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

Timothy Smith, proceeding *pro se*, filed this petition for writ of habeas corpus. The court previously 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 respondent filed a motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. No objections were filed to the Report and Recommendation.

ORDER

Accordingly, the findings of fact act and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. The respondent's motion for summary judgment is **GRANTED**. A final judgment shall be entered denying the petition in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 9th day of April, 2014.

Maria A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE