
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

FREDERICK BLACK,

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Petitioner,

versus

CIVIL ACTION NO. 1:12-CV-146

M. MARTIN,

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Respondent.

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

Petitioner Frederick Black, formerly an inmate confined at the Federal Correctional Institution at Three Rivers, Texas, proceeding *pro se*, filed the above-styled petition for writ of habeas pursuant to 28 U.S.C. § 2241.

The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, pursuant to 28 U.S.C. § 636 and applicable orders of the court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the petition. The magistrate judge recommends that a motion to dismiss filed by the respondent be granted and the petition dismissed without prejudice as moot.

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 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 **GRANTED**. A final judgment shall be entered dismissing this petition.

SIGNED at Plano, Texas, this 28th day of March, 2016.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE