
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JERRICK LIMEHOUSE,

Petitioner,

versus

CHARLES A. DANIELS,

Respondent.

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CIVIL ACTION NO. 1:14-CV-426

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

Petitioner Jerrick Limehouse, an inmate confined at the United States Penitentiary 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 has submitted a Report and Recommendation of United States Magistrate Judge concerning the petition. The magistrate judge recommends the petition be dismissed.

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

The court has conducted a *de novo* review of the objections asserted by petitioner. After careful consideration, the court is of the opinion the objections are without merit. Petitioner relies on the Supreme Court's decision in *Descamps v. United States*, 133 S.Ct. 2276 (2013). The magistrate judge correctly concluded that as the decision in *Descamps* only addresses sentencing issues, it has no effect on whether the facts of petitioner's case would support his convictions for the substantive offenses. *Whittaker v. Chandler*, 574 F. App'x 448 (2014). As a result, the

decision does not provide petitioner with a basis for relief under Section 2241. *Wesson v. U.S. Penitentiary Beaumont, TX*, 305 F.3d 343, 348 (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.

Signed this date.

Oct 16, 2014



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE