IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

HERBERT FEIST §

VS. § CIVIL ACTION NO. 1:15-CV-135

DIRECTOR, TDCJ-CID §

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

Petitioner Herbert Feist, a prisoner confined at the Jefferson County Jail, brought this petition for writ of mandamus pursuant to 28 U.S.C. § 1651.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, 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. The Magistrate Judge recommends denying petitioner's motion for default judgment.

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

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the court concludes that petitioner's objections lack merit.

ORDER

Accordingly, petitioner's objections (docket entry #10) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate

Judge (docket entry #8) is **ADOPTED**. Petitioner's motion for default judgment (docket entry #6) is **DENIED**.

So ORDERED and SIGNED this 16 day of March, 2016.

Ron Clark, United States District Judge

Pm Clark