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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF TEXAS**

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BENJAMIN EARL GILMORE, §  
Petitioner, §  
versus § CIVIL ACTION NO. 1:17-CV-229  
DIRECTOR, TDCJ-CID, §  
Respondent. §

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

Benjamin Earl Gilmore filed the above-styled petition for writ of habeas corpus. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

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.

**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**. A final judgment shall be entered.

SIGNED at Beaumont, Texas, this 14th day of August, 2017.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE