
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

OWEN GARTH HINKSON,

Petitioner,

versus

UNITED STATES OF AMERICA,

Respondent.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:18-CV-64

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

Petitioner Owen Garth Hinkson, an inmate at the United States Penitentiary located in Atlanta, Georgia, proceeding *pro se*, brought this petition for writ of coram nobis.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying and dismissing the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge’s Report and Recommendation. This requires 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, the court concludes petitioner’s objections are without merit. As set forth in the Report, petitioner’s petition is barred by the waiver provision contained in his written plea agreement. Further, in the alternative, petitioner’s claims are without merit. “The writ is not a substitute for an appeal and will issue only when no other remedy is available and when sound reasons exist for failure to seek appropriate earlier relief.” *Nowden v. United States*,

775 F. App'x 174, 175 (5th Cir. 2019) (internal quotation marks and citation omitted). Petitioner has failed to satisfy his burden of showing an error of sufficient magnitude to justify such an extraordinary remedy. *See United States v. Esobue*, 357 F.3d 532, 534 (5th Cir. 2004). Petitioner's current petition is a continuation of his frivolous attacks on his conviction. *See United States v. Hinkson*, 72 F. App'x 972 (5th Cir. 2003). Consequently, petitioner's objections should be overruled.

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 will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 22nd day of February, 2021.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE