

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BARRY MARTIN, #1641901

§

VS.

§

CIVIL ACTION NO. 4:11cv337

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to a United States Magistrate, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed without prejudice for failure to exhaust state remedies. Petitioner filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Petitioner are without merit. The Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** without prejudice.

It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 3rd day of January, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE