

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

MIKELL LAMAR BROWN, #2102583

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VS.

CIVIL ACTION NO. 4:21cv050

DIRECTOR, TDCJ-CID

ORDER OF DISMISSAL

This case was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation on June 22, 2021. (Dkt. # 18). The Magistrate Judge concluded that Petitioner’s case should be dismissed with prejudice. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Petitioner filed objections. (Dkt. # 21).

In his objections, Petitioner argues that “I never mention parole one time in my filing I was arguing the decision that was giving [sic] for my parole. (Dkt. # 22, p. 1). Petitioner continues on to state he is arguing the reasons for denial of his parole and believes the Court should give him another review. However, as the Magistrate Judge correctly noted, “[a] person seeking federal habeas corpus review must assert a violation of a federal constitutional right. *Lowery v. Collins*, 988 F.2d 1354, 1367 (5th Cir. 1993); *Malchi v. Thaler*, 211 F.3d 953, 957 (5th Cir. 2000). “There is no [federal] constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence.” *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, 442 U.S. 1, 7 (1979). “It follows that because [a prisoner] has no liberty interest in obtaining parole in Texas, he cannot complain of the constitutionality of procedural devices attendant to parole decisions.” *Orellana v Kyle*, 65 F3d 29, 32 (5th Cir 1995). Consequently,

Petitioner's claims concerning the process used in denying him parole is not cognizable in a § 2254 petition. Therefore, the Court concludes the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

Accordingly, it is **ORDERED** the petition for writ of habeas corpus (Dkt. # 1) is **DISMISSED** with prejudice. . A certificate of appealability is **DENIED**. It is further **ORDERED** all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 16th day of July, 2021.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE