

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

WOODY M. RIPPETOE	§	
VS.	§	CIVIL ACTION NO. 5:08-CV-210
KEITH ROY	§	

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

Petitioner, Woody M. Rippetoe, a prisoner currently confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this action be dismissed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Petitioner filed objections to the Report and Recommendation of United States Magistrate Judge. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. See FED. R. CIV. P. 72(b). After careful consideration, the Court finds petitioner’s objections to be without merit.¹

ORDER

Accordingly, the objections of petitioner are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is

¹To the extent petitioner relies on *Clark v. Martinez*, 543 U.S. 371 (2005), the Court notes petitioner was not foreclosed from raising any arguments that stem from this opinion as it was decided January 12, 2005. Petitioner was convicted on January 30, 2007 and clearly had the benefit of the *Clark v. Martinez* opinion at the time of his appeal and post-conviction proceedings.

ADOPTED. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 6th day of July, 2011.

A handwritten signature in black ink, appearing to read "David Folsom", written in a cursive style.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE