

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

ELBIS TORRES §  
VS. § CIVIL ACTION NO. 5:12-CV-111  
DIRECTOR, TDCJ-CID §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Petitioner, Elbis Torres, an inmate currently confined at the James A. Lynaugh Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The Court referred this matter to the Honorable Caroline Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends petitioner's application to proceed *in forma pauperis* be denied.

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. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

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**. Petitioner's application to proceed *in forma pauperis* is **DENIED**. Petitioner has thirty (30) days to submit a filing fee of \$5. Petitioner is admonished that failure to comply with this Court's order may result in his case

being dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

**It is SO ORDERED.**

**SIGNED this 7th day of January, 2013.**

  
\_\_\_\_\_  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE