

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

JASON WALKER §  
VS. § CIVIL ACTION NO. 5:16CV-191  
WARDEN, FCI TEXARKANA §

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

Petitioner, Jason Walker, a federal prisoner confined at FCI Texarkana, proceeding pro se, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Docket No. 1

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 the petition be denied. Docket No. 8.


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 the objections lacking in merit. As outlined by the Magistrate Judge, petitioner does not meet the requirements set forth in *Reyes-Requena*. *Reyes-Requena v. United States*, 243, F.3d 893 (5th Cir. 2001). *Mathis* did not announce a new substantive rule or apply retroactively on collateral review. *United States v. Mathis*, 136 S.Ct. 2243 (2016); see also *In re Lott*, 838 F.3d 522, 523 (5th Cir. 2016) (holding that a petitioner had not made a prima facie showing that *Mathis* set forth a new rule of constitutional law made retroactive to cases on collateral review). Furthermore, *Hinkle* and *Tanksley* are not retroactively applicable Supreme Court decisions but rather Fifth Circuit Court of Appeals opinions that were decided on direct review.

United States v. Hinkle, 832 F.3d 569 (5th Cir. 2016); United States v. Tanksley, 848 F.3d 347 (5th Cir. 2017).

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 recommendations.

**SIGNED this 27th day of October, 2017.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE