

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

bring an action challenging the conditions of confinement or any claims relating to deliberate indifference to a serious medical need.

Collins did not file objections to the Magistrate Judge's Report; rather, he wrote two letters to the Court saying that he was "disappointed" that the Court did not consider his case, but expressing appreciation for the "without prejudice" recommendation. Collins also asked for copies of the documents which he had filed.

Because Collins did not object to the proposed factual findings or conclusions of law in the Magistrate Judge's Report, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings in the cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED without prejudice. Collins may, if he wishes, file a civil lawsuit under 42 U.S.C. §1983 raising the claims which he has presented in this petition. It is further

ORDERED that the Petitioner John Collins is hereby denied a certificate of appealability *sua sponte*, with such denial affecting only an appeal of the present case and not affecting his right to file a Section 1983 claim. It is further

ORDERED that the Petitioner's request for copies of his pleadings is GRANTED. The Clerk shall send to the Petitioner John Elliott Collins, without charge, copies of docket no.'s 1, 2, 3, and 7. Finally, it is

ORDERED that any and all other motions which may be pending in this cause are hereby DENIED.

**So ORDERED and SIGNED this 21st day of November, 2008.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**