

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

CHARLES ELLIS SHIRLEY §  
VS. § CIVIL ACTION NO. 6:10CV331  
SHERIFF, HENDERSON COUNTY JAIL §

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Charles Ellis Shirley, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*,<sup>1</sup> filed the above-styled and numbered petition for a writ of habeas corpus. Petitioner filed a motion for an injunction (docket entry #4), construed as a motion for temporary restraining order/preliminary injunction. The petition was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the motion for temporary restraining order/preliminary injunction should be denied. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such motion, has been presented for consideration, and having made a de novo review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. Therefore the Court hereby adopts the findings and

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<sup>1</sup> Although it was noted in the Report and Recommendation that Petitioner had not paid the filing fee nor moved for *in forma pauperis* status, he has since so moved and been granted *in forma pauperis* status.

conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is therefore

**ORDERED** that the Petitioner's Motion for an Injunction (docket entry #4), construed as a Motion for Temporary Restraining Order/Preliminary Injunction, is hereby **DENIED**.

**SIGNED this 16th day of August, 2010.**

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a horizontal line underneath it.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE