

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

CHARLES WAYNE MILLER, #1525390 §
VS. § CIVIL ACTION NO. 6:11cv645
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Charles Wayne Miller, a prisoner confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be denied. Petitioner subsequently filed a reply to the Director's answer and a request that the reply be construed as objections. The request shall be granted.

The Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that Petitioner's motion to construe his reply to the Director's answer as objections (docket entry #22) is **GRANTED**. It is further

ORDERED that the Report and Recommendation (docket entry #19) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is **SO ORDERED**.

SIGNED this 25th day of July, 2012.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style and is positioned above a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE