

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

PATRICK TAVIN HACK, #1435062 §
VS. § CIVIL ACTION NO. 6:13cv680
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Patrick Tavin Hack, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus challenging his Smith County conviction for sexual assault of a child (four counts). The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed as time-barred.

The Petitioner has filed objections. He argues that his petition should not be dismissed as time-barred because of the doctrine of equitable tolling and because he is actually innocent. He did not, however, show how either concept applies with respect to his conviction. Instead, most of his discussion focused on the anti-retroactivity doctrine announced by the Supreme Court in *Teague v. Lane*, 489 U.S. 288 (1989). He did not show that his petition should not be dismissed as time-barred.

The Report of the Magistrate Judge, which contains her 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 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 conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Director's motion to dismiss (docket entry #12) is **GRANTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice as time-barred. A certificate of appealability is **DENIED**. All motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 15th day of December, 2014.

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

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE