

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

TYLER DIVISION

STEPHON WALTER, #1268602

§

VS.

§

CIVIL ACTION NO. 6:13cv895

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court.

The Court notes that the Petitioner filed an amended petition after the Report and Recommendation was issued. He added new grounds for relief. Nonetheless, as was explained in the Report and Recommendation, the Petitioner does not have a protected liberty interest in this case in order to trigger the protection of the Constitution. There is no basis for federal habeas corpus relief in the absence of a protected liberty interest. *Malchi v. Thaler*, 211 F.3d 953, 957 (5th Cir. 2000). The addition of the new grounds for relief does not save the petition. Magistrate Judge Love correctly concluded that there is no basis for federal habeas corpus relief due to the absence of a constitutionally protected liberty interest. It is therefore

ORDERED that the Report and Recommendation (docket entry #8) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. All motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 28th day of February, 2014.

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