

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

TYLER DIVISION

BILLY WAYNE LEWIS, #1057794

§

VS.

§

CIVIL ACTION NO. 6:14cv499

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner Billy Wayne Lewis, a prisoner confined at the Coffield Unit of 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. He is challenging the revocation of his parole. The petition was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition should be denied. The Petitioner has filed objections.

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.

The Court specifically observes that the state trial court thoroughly considered the Petitioner's corresponding state application for a writ of habeas corpus and issued extensive findings of fact and conclusions of law. The Texas Court of Criminal Appeals denied the application without written order on findings of the trial court without a hearing. The Antiterrorism and Effective Death Penalty Act ("AEDPA") imposes a "highly deferential standard for evaluating state-court rulings, and demands that state-court decisions be given the benefit of the doubt." *Renico v. Lett*, 559 U.S. 766, 773 (2010)

(citations and internal quotation marks omitted). Under AEDPA, a petitioner is not entitled to relief unless he shows that the state court findings resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the Supreme Court of the United States, or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings. 28 U.S.C. § 2254(d). The Petitioner in this case did not satisfy the requirements of § 2254(d). He failed to show that he is entitled to federal habeas corpus relief. The Court thus adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #23) is **ADOPTED**. It is further

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

ORDERED that 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 18th day of December, 2014.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE