

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

TYLER DIVISION

DANNY J. SIMS, JR.	§	
VS.	§	CIVIL ACTION NO. 6:14cv781
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Danny J. Sims, Jr., 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 Fannin county conviction for felony DWI. On June 14, 2010, he was sentenced to 8 years' imprisonment for this conviction. There was no appeal from this conviction. The petition was assigned 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 dismissed without prejudice for the Petitioner's failure to prosecute the case.

The Report and Recommendation was sent to the Petitioner, and an acknowledgment of his receipt of this document was entered by the Clerk's office. *See* Docket Entry # 15. Petitioner has filed what is styled as an objection. The objection, however, is a request that he receive a copy of his federal petition because his copy was taken from him during a prison-wide lock-down. *See* Petitioner's Objection to the Report and Recommendation at 2 (docket entry #16).

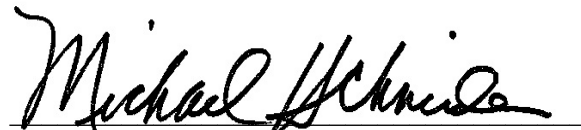
The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having

received no objections to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. 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 petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** without prejudice. It is further

ORDERED that the Petitioner's request contained in his Objection to the Report and Recommendation for a copy of his federal petition is **GRANTED**. The Clerk's office is hereby directed to mail Petitioner a copy of his federal petition (docket entry #1). A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

SIGNED this 26th day of January, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE