

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

TYLER DIVISION

MATTHEW M. McKNIGHT, #1752450 §
VS. § CIVIL ACTION NO. 6:15cv461
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRTE JUDGE

Petitioner Matthew Mason McKnight, pro se, filed this petition for writ of habeas corpus under 28 U.S.C. § 2254 alleging the illegality of his convictions. The cause of action was referred for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On January 8, 2018, the Magistrate Judge issued a Report, (Dkt. # 19), recommending that McKnight's federal petition for a writ of habeas corpus be dismissed with prejudice as meritless. The Magistrate Judge also recommended that he be denied a certificate of appealability sua sponte. The Report was sent to McKnight at the address he provided in his notice of change of address, (Dkt. #18). No objections were filed during the objection period. On July 24, 2018, the Court re-mailed the Report to McKnight by regular and certified mail. The docket shows that the Report was returned as "unclaimed," (Dkt. #20), and no objections have been submitted—despite McKnight receiving multiple opportunities to do so.

Accordingly, McKnight is barred from de novo review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Therefore, it is

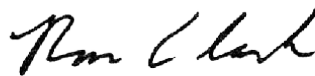
ORDERED that the Report of the Magistrate Judge, (Dkt. # 19), is **ADOPTED** as the opinion of the District Court. Furthermore, it is

ORDERED that Petitioner's federal petition for a writ of habeas corpus is **DISMISSED** with prejudice. Petitioner is also denied a certificate of appealability sua sponte. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So Ordered and Signed

Aug 28, 2018



Ron Clark, Senior District Judge