

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

DARRELL J. HARPER #1957729 §
v. § CIVIL ACTION NO. 6:16cv266
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Petitioner Darrell Harper, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his confinement. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the petition be dismissed as barred by sanctions imposed upon Harper by the Fifth Circuit Court of Appeals. Harper filed objections raising 18 grounds for relief, including claims that he is a “fictitious person involved in a legal scandal,” racism played a part in admiralty law infringing his constitutional rights to instill racial enslavement, judges who behave more like lawyers than judges should be arrested, and the denial of his right to face his accuser violated the Civil Rights Act of 1973, the Administrative Procedures Act, the Whistleblower Protection Act, the Racketeer Influenced and Corrupt Organizations Act, the Americans with Disabilities Act, the Deceptive Trade Practices Act, the Federal Tort Claims Act, the Texas Tort Claims Act, and the Texas Commission on Human Rights Act. None of Harper’s objections address the basis for the dismissal of his petition and none contain any merit.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Petitioner objected. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made.") Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Petitioner's objections are without merit. It is accordingly

ORDERED that the Petitioner's objections are overruled and the Report of the Magistrate Judge (docket no. 6) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is **DISMISSED WITH PREJUDICE** as barred by sanctions previously imposed upon Harper by the Fifth Circuit Court of Appeals. It is further

ORDERED that the Petitioner Darrell Harper is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

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

So Ordered and Signed

Feb 14, 2017



Ron Clark, United States District Judge