

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

TREVOR XAVIER SCHENDEL, #2051305 §
VS. § CIVIL ACTION NO. 6:17cv523
DIRECTOR, TDCJ-CID §

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Trevor Xavier Schendel, a prisoner currently confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed his petition for writ of habeas corpus (Dkt. #1), pursuant to 28 U.S.C. § 2254, seeking to challenge his felony conviction, revocation hearing, and state habeas proceedings on various grounds. Mr. Schendel has been permitted to file an amended petitioner for writ of habeas corpus. (Dkt. ##49, 50). He ultimately seeks to have his underlying plea agreement set aside and to be released from custody. The Director's response is due on January 7, 2019. The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge K. Nicole Mitchell.

Mr. Schendel has filed a second Motion for Writ of Mandamus. (Dkt. #66). In his petition for a writ of mandamus, he seeks to have the court compel the 241st Judicial District Court of Smith County, Texas and the 7th Judicial District Court of Smith County, Texas to deliver to him: (1) a copy of the October 31, 2013 grand jury transcript in Cause No. 241-1512-13 and (2) a copy of the January 2016 violation/revocation transcript in Cause No. 007-1483-15.

The motion was referred to Magistrate Judge Mitchell, who issued a Report and Recommendation concluding that Mr. Schendel's motion for writ of mandamus was without merit

and should be denied. (Dkt. #69). The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the motion, 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. It is accordingly

ORDERED that the Report and Recommendation (Dkt. #69) is **ADOPTED**. It is further

ORDERED that Mr. Schendel's motion for writ of mandamus (Dkt. #66) is **DENIED** in accordance with the Report and Recommendation (Dkt. #66).

So **ORDERED** and **SIGNED January 7, 2019**.



Ron Clark, Senior District Judge