

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

TYLER DIVISION

STEVE COLE, #1878526

§

VS.

§

CIVIL ACTION NO. 6:17cv671

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner Steve Cole, proceeding *pro se*, an inmate confined at the Polunsky Unit within the Texas Department of Criminal Justice (TDCJ), filed this petition for a writ of habeas corpus pursuant to § 2254 complaining of the legality of his criminal conviction. The case was referred to the United States Magistrate Judge, the Honorable Judge John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On October 24, 2018, Judge Love issued a Report, (Dkt. #22), recommending that Petitioner's petition be dismissed, with prejudice. Petitioner has filed timely objections, (Dkt. #27). The court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff 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 United States Magistrate Judge is correct and the Plaintiff's objections are without merit. Accordingly, it is

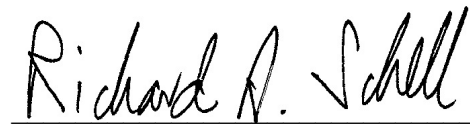
ORDERED that Petitioner's objections, (Dkt. #27), are overruled and the Report of the Magistrate Judge, (Dkt. #22), is **ADOPTED** as the opinion of the District Court. Further, it is

ORDERED that the above-styled petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE**. It is also

ORDERED that the Petitioner Cole 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**.

SIGNED this the 19th day of February, 2019.

Handwritten signature of Richard A. Schell in black ink.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE