

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

MICHAEL GUISTO CROMEY,

Plaintiff,

v.

DIRECTOR , TDCJ-CID,

Defendant.

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CIVIL ACTION NO. 6:21-CV-00132-  
JDK

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On December 21, 2021, the Magistrate Judge issued a Report and Recommendation (Docket No. 17), recommending that the petition be dismissed with prejudice. The Report further recommended that a certificate of appealability be denied. Petitioner requested an extension to file objections (Docket No. 18), which the court granted (Docket No. 19), providing Petitioner until February 11, 2022 to file his objections. Petitioner received the court’s order on February 8, 2022. (Docket No. 21.) To date, no objections have been filed and the time to do so has passed. Petitioner has further not requested any additional extensions from the Court.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court


examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Petitioner did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 17) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 17) is **ADOPTED**. It is further

**ORDERED** that the petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. All motions not previously ruled on are **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this **22nd** day of **February, 2022**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE