

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

JAY WILLIAMS,  
  
Petitioner,

v.

UNITED STATES OF AMERICA,  
  
Respondent.

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Case No. 6:23-cv-259-JDK-KNM

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

Petitioner Jay Williams, then an inmate of the Henderson County Jail proceeding *pro se*, filed this federal petition for writ of habeas corpus without paying the filing fee or moving to proceed *in forma pauperis* (IFP). The petition was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On September 24, 2024, Judge Mitchell ordered Petitioner to pay the filing fee or move to proceed IFP and to file a second amended petition clearly setting forth his claims within thirty days. Docket Nos. 8; 9. Petitioner complied with neither order. Mail sent to Petitioner’s last known address was returned as undeliverable because he has been released from jail and failed to file a notice of change of address. Docket No. 10; *see also* Loc. R. CV-11(d) (“A *pro se* litigant . . . is responsible for keeping the clerk advised in writing of his or her current physical address.”).

On December 6, 2024, Judge Mitchell issued a Report recommending that this petition be dismissed for failure to prosecute. Docket No. 11. Judge Mitchell also recommended that a certificate of appealability be denied. *Id.* Again, mail sent to Petitioner was returned as undeliverable. Docket No. 12. No timely objections were filed.


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 Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).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 object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 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 the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 11) as the findings of this Court. This

petition for habeas corpus is hereby **DENIED** and this action is **DISMISSED** without prejudice. The Court **DENIES** a certificate of appealability.

So **ORDERED** and **SIGNED** this **3rd** day of **January, 2025**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE