

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

KEVIN REVELS §
v. § CIVIL ACTION NO. 9:09cv54
DIRECTOR, TDCJ-CID §

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

The Petitioner Kevin Revels, proceeding *pro se*, filed this application for the writ of habeas corpus 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 observed that this is at least the 30th time that Revels has sought habeas corpus relief from the federal district courts within the Fifth Circuit. The Magistrate Judge stated that Revels is “an inveterate abuser of the judicial process” and that in cause no. 9:97cv207, this Court sanctioned Revels in the amount of \$100.00 and ordered that no further cases be accepted from him until this sanction is paid, which it has not been to date.

In addition, the Magistrate Judge stated that Revels had failed to show that he has been granted leave to file a successive petition, as required by 28 U.S.C. §2244(b)(3). Consequently, the Magistrate Judge recommended that the petition be dismissed with prejudice until such time as Revels pays the sanctions which have been imposed upon him and obtains permission to file a successive petition.

A copy of this order was sent to Revels, and the acknowledgment card was returned to the Court with the notation that the mail officer did not know that Revels was supposed to sign the card

and left without obtaining a signature, and that Revels refused to sign the card after the fact; however, his mail was delivered to him. No objections have been filed to the Report; accordingly, Revels is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge, and has concluded that the Report of the Magistrate Judge is correct. It is accordingly


ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice until such time as Revels *both* (1) satisfies all sanctions which have been levied against him by this Court as well as any sanctions which may have been imposed by other courts within the jurisdiction of the Fifth Circuit Court of Appeals, *and* (2) obtains permission from the Fifth Circuit Court of Appeals to file a successive habeas corpus petition. He may not refile this petition until both of these conditions have been met. It is further

ORDERED that the Petitioner Kevin Revels is hereby 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 15 day of **July, 2009**.


Thad Heartfield
United States District Judge