



challenging the denial of time credits in cause no. 17,646, whereas his prior habeas petition challenged cause no. 17,789. After review of Barnes' motion, the Magistrate Judge issued a Report recommending that Barnes' motion for relief from judgment be denied. The Magistrate Judge stated that because Barnes was not convicted in cause no. 17,646, he could not challenge that case through habeas corpus. Instead, any time credits to which Barnes was entitled would have been applied to cause no. 17,789. Because Barnes challenged that case through a prior federal habeas corpus petition, the Magistrate Judge stated that he could have challenged the time credits which he received in that prior petition, rendering the present one successive. Thus, the Magistrate Judge concluded that Barnes' motion for reconsideration lacked merit.

Barnes did not file objections to the Report of the Magistrate Judge; accordingly, he 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 as well as the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 14) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Petitioner's motion for relief from judgment (docket no. 13) be and hereby is DENIED.

So **ORDERED** and **SIGNED** this **10** day of **September, 2010**.



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Ron Clark, United States District Judge