

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

CHRISTOPHER WAYNE CLEARLEY §
VS. § CIVIL ACTION NO. 9:17-CV-71
DIRECTOR, TDCJ-CID §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Petitioner, Christopher Wayne Cearley, an inmate confined at the Polunsky Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends petitioner pay the \$5.00 filing fee.¹

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. Petitioner has ten (10) days to pay the \$5.00

¹A review of petitioner's application to proceed in forma pauperis reveals that petitioner has maintained a six month average deposit of \$1,385.00 and a six month average balance of \$1,711.72. Petitioner has a current balance of \$2,104.83.

filing fee in this action. Failure to do so will result in dismissal of this habeas petition for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

So Ordered and Signed

Sep 26, 2017



Ron Clark, United States District Judge