

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

ADRIEL DEMETRIO FLORES, III,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO.
)	1:15-CV-038-C
LORIE DAVIS, Director,)	
Texas Department of Criminal Justice,)	
Correctional Institutions Division,)	
)	
Respondent.)	

ORDER

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of Petitioner, Adriel Demetrio Flores, III, along with the October 24, 2016 report and recommendation of the United States Magistrate Judge. The magistrate judge gave the parties fourteen days after service to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case and has reviewed for clear error the report and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the petition for writ of habeas corpus should be denied.

It is therefore **ORDERED** that the report and recommendation of the magistrate judge is **ADOPTED**.

It is further **ORDERED** that the petition for writ of habeas corpus under 28 U.S.C. § 2254 is **DENIED**.

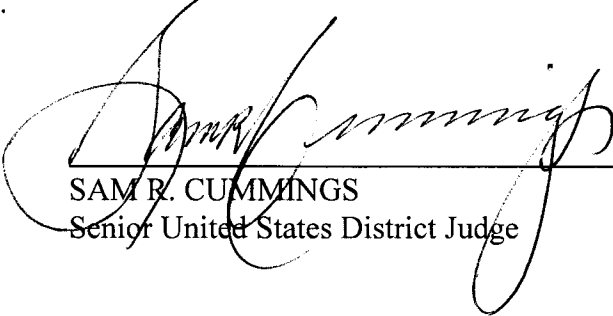
Certificate of Appealability

Federal Rule of Appellate Procedure 22 provides that an appeal may not proceed unless a certificate of appealability (COA) is issued under 28 U.S.C. § 2253. *See* Fed. R. App. P. 22(b). Rule 11 of the Rules Governing Section 2254 Proceedings now requires that the Court “must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” Rules Governing Section 2254 Proceedings in the United States District Courts, Rule 11(a) (December 1, 2009). Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), Petitioner Flores has failed to show that reasonable jurists would (1) find this Court’s “assessment of the constitutional claims debatable or wrong” or (2) find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling,” and any request for a certificate of appealability should be denied. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

All relief not expressly granted is denied and any pending motions are hereby denied.

SO ORDERED.

Dated this 29th day of November, 2016.



SAM R. CUMMINGS
Senior United States District Judge