

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

JEFFREY D. WESTBROOK,)	
)	
Petitioner,)	
)	
v.)	
)	
LORIE DAVIS, Director, Texas)	
Department of Criminal Justice,)	
Correctional Institutions Division,)	
)	
Respondent.)	Civil Action No. 1:15-CV-066-C

ORDER

On this day the Court considered the Petition for a Writ of Habeas Corpus by a Person in State Custody, filed by Petitioner, Jeffrey D. Westbrook, on November 1, 2013, together with Respondent’s Answer with Brief in Support, filed November 19, 2015, and Westbrook’s Reply, Supplemental Reply, and Second Supplemental Reply, filed March 3, 2016, March 18, 2016, and April 25, 2016, respectively. On December 15, 2016, the United States Magistrate Judge entered a Report and Recommendation advising that Westbrook’s § 2254 petition be denied on the merits.

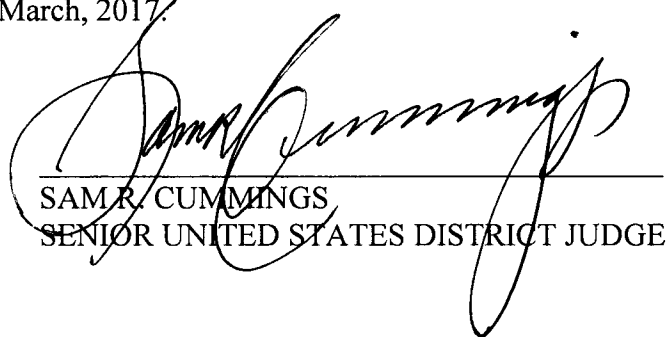
Westbrook filed a motion seeking to extend his deadline to file written objections, and the Magistrate Judge granted that motion in part and extended the objection deadline by fourteen days to January 20, 2017. Westbrook’s initial objections were not filed until January 26, but he asserts in his certificate of service that he deposited them in the mail on January 18; therefore, the Court accepts these objections as timely filed. Westbrook states that he disagrees with the

Magistrate Judge’s “applications of law, and interpretations of policies and facts,” and he therefore “objects to [Magistrate Judge Frost’s] Report and Recommendation in its entirety.” Westbrook then incorporates his prior filings by reference and proceeds to attack the Magistrate Judge’s interpretation and application of the law to various facts of his case. Having considered these objections and conducted a *de novo* review of the Report and Recommendation, the Court is of the opinion that the objections should all be **OVERRULED**.

Westbrook further submitted supplemental objections, filed February 10, which he asserts in his certificate of service were mailed on January 30, 2017. Because these supplemental objections were mailed after the extended objection deadline, the Court is of the opinion that they should be **OVERRULED** without consideration as untimely.

Therefore, it is **ORDERED** that the findings and conclusions in the Report and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court and Westbrook’s § 2254 petition is **DENIED** for the reasons stated therein.

SO ORDERED this 3rd day of March, 2017.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE