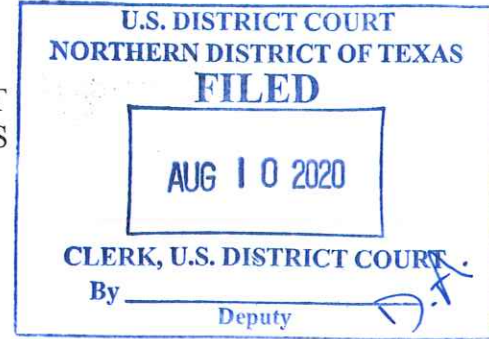


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



BRENT RAY BREWER,

Petitioner,

v.

LORIE DAVIS, Director TDCJ-CID,

Respondent.

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2:15-CV-50-Z-BR

Death Penalty Case

ORDER

On July 23, 2020, the United States Magistrate Judge (the “Magistrate Judge”) entered findings and conclusions (ECF No. 114) on “Petitioner’s Renewed Motion for Discovery and Evidentiary Hearing” (the “Renewed Motion”) (ECF No. 94) filed by Petitioner on January 9, 2020. The Magistrate Judge RECOMMENDS that the Renewed Motion be (1) denied with respect to its request for discovery and (2) carried forward with respect to its request for an evidentiary hearing until the filing of all relevant pleadings and the submission of all relevant state court records for review by this Court. The parties did not file objections to the Magistrate Judge’s findings, conclusions, and recommendation, and the time to do so has now expired.

After making an independent review of the pleadings, files, and records in this case, as well as the findings, conclusions, and recommendation of the Magistrate Judge, the Court concludes that the findings and conclusions are correct. For the reasons stated at length by the Magistrate Judge, Petitioner has failed to show that (1) the state trial court’s evidentiary rulings targeted by the Renewed Motion violated a specific federal constitutional right or rendered Petitioner’s trial fundamentally unfair or (2) Petitioner’s trial counsel rendered ineffective assistance by not challenging the admission of certain testimonies.

Consequently, the findings, conclusions, and recommendation of the Magistrate Judge (ECF No. 114) are ADOPTED. It is therefore ORDERED that Petitioner's Renewed Motion (ECF No. 94) is DENIED with respect to its request for discovery but CARRIED FORWARD with respect to its request for an evidentiary hearing until the filing of all relevant pleadings and the submission of all relevant state court records for review by this Court.

SO ORDERED.

August 10th, 2020.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE