

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MICHAEL DEWAYNE WHALEY, ID # 645333, Plaintiff,)	
)	
)	
vs.)	No. 3:16-CV-3281-C
)	No. 3:18-CV-144-C
)	
COURT OF CRIMINAL APPEALS, et al.,)	
Defendants.)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the post-judgment motion (doc. 38) is construed as a motion under Rule 60(b) of the Federal Rules of Civil Procedure, and the Clerk of Court is **DIRECTED** to terminate the motion in No. 3:16-CV-3281-C and docket it in No. 3:18-CV-144-C. The Rule 60(b) motion is **DENIED**.

SIGNED this 10th day of April, 2018.



UNITED STATES DISTRICT JUDGE