

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

DONALD GENE BLANTON,	)	
ID # 1307891,	)	
Petitioner,	)	
vs.	)	No. 3:17-CV-383-B
	)	
LORIE DAVIS, Director,	)	
Texas Department of Criminal	)	
Justice, Correctional Institutions Division,	)	
Respondent.	)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

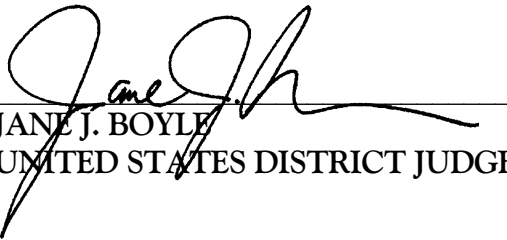
In this 28 U.S.C. § 2254 habeas case, Donald Gene Blanton (Petitioner) objects to the *Findings, Conclusions and Recommendation* (FCR) entered by the United States Magistrate Judge on July 5, 2017, regarding his motion filed on June 23, 2017. (Docs. 29, 33, 40.)

Among other things, Petitioner contends that there was no order referring the matter to the Magistrate Judge and he did not consent to having the Magistrate Judge rule on the motion. A district judge is statutorily authorized to designate a magistrate judge to determine pretrial matters and to conduct hearings and submit findings of fact and recommendation on dispositive matters by 28 U.S.C. § 636(b)(a). This case was automatically referred to the Magistrate Judge pursuant to *Special Order 3-251*, and the Magistrate Judge was authorized to enter a recommendation without Petitioner's consent. See *Valenzuela v. Director*, No. 6:13cv553, 2013 WL 4418535 at \*1 (E.D. Tex. Aug. 13, 2013) (citing *Lineberry v. United States*, 436 F. App'x 293, 295 (5th Cir. 2010)).

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and the objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclu-

sions 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 petitioner's motion is construed as arising under Federal Rule of Civil Procedure 59(e) and is hereby **DENIED**.

**SO ORDERED** on this 9<sup>th</sup> day of August, 2017.



JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE