

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

ARTHUR ROBERTSON	)	
ID #00810677,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
LORIE DAVIS, Director, Texas Department	)	
of Criminal Justice, Correctional Institutions	)	
Division,	)	
	)	
Respondent.	)	Civil Action No. 3:17-CV-0437-C

**ORDER**

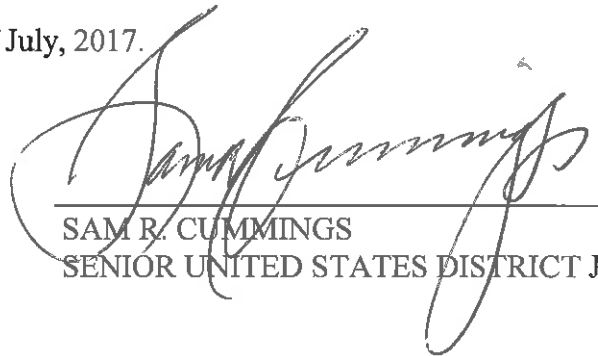
In the Findings, Conclusions and Recommendation filed February 21, 2017, the Magistrate Judge recommended that this action be dismissed for lack of subject matter jurisdiction. Plaintiff failed to file a timely objection to the Findings, Conclusions and Recommendation.

After reviewing the thorough Report and Recommendation for plain error, the Court finds that the findings and conclusions of the Magistrate Judge are correct and adopts them as the findings and conclusions of the Court.

Accordingly, the Court finds that: (1) a ruling on Petitioner’s Motion will require an advance determination of whether statutory tolling will apply in determining the timeliness of a federal habeas petition; and (2) without the filing of a § 2254 petition, this Court lacks subject

matter jurisdiction to grant relief on Petitioner's motion. As such, this action is **DISMISSED** for lack of jurisdiction.

SO ORDERED this 28<sup>th</sup> day of July, 2017.



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SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE