

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION


JOSEPH KELLY DINGLER,	)	
#00149118,	)	
Petitioner,	)	
vs.	)	No. 3:19-CV-2116-B (BH)
	)	
382 <sup>ND</sup> JUDICIAL DISTRICT	)	
JUDGE, et al.,	)	
Respondents.	)	

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 petition for habeas corpus filed under 28 U.S.C. § 2241 is **DISMISSED** without prejudice for failure to exhaust state remedies, and all non-habeas claims are **DISMISSED** without prejudice to filing them in a civil rights case.

A certificate of appealability (COA) is not required to appeal in a case under 28 U.S.C. § 2241. *See Montano v. Texas*, 867 F.3d 540, 547 n.8 (5th Cir. 2017). If the petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

SIGNED this 19<sup>th</sup> day of December, 2019.



JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE