

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

BILLY JOHN ROBERSON,)
)
 Plaintiff,)
)
 v.)
)
 ROWLETT TEXAS POLICE)
 DEPARTMENT, *et al.*,)
)
 Defendant.) Civil Action No. 3:20-CV-3578-C-BN

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising that Plaintiff’s construed *pro se* application for writ of habeas corpus under 28 U.S.C. § 2254, as amended, should be dismissed without prejudice subject to Plaintiff’s right to seek authorization to file a successive application.¹

The Court conducts a *de novo* review of those portions of the Magistrate Judge’s report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

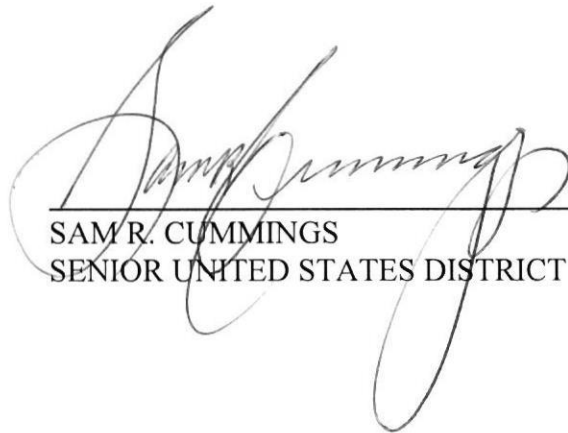
After due consideration and having conducted a *de novo* review, the Court finds that Plaintiff’s objections should be **OVERRULED**.² The Court has further conducted an

¹ The Court notes that Plaintiff appears to continue to file amended complaints in an effort to avoid dismissal.

² The Court construes Plaintiff’s Motion of Challenging Decision Made to be objections to the Magistrate Judge’s Findings, Conclusions, and Recommendation. *See* Doc. 9.

independent review of the Magistrate Judge’s findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation and Supplemental Findings thereto³ are **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the Court **ORDERS** that Plaintiff’s construed *pro se* application for writ of habeas corpus under 28 U.S.C. § 2254, as amended, be **DISMISSED** without prejudice subject to Plaintiff’s right to seek authorization to file a successive application in the United States Court of Appeals for the Fifth Circuit.

SO ORDERED this 11th day of January, 2021.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

³ See Doc. 7.