

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

LARRY JOHNSON,)
ID # 01594379,)
)
Petitioner,)
)
v.)
)
DIRECTOR, TDCJ-CID,)
)
Respondent.) Civil Action No. 3:21-CV-2926-C-BT

ORDER

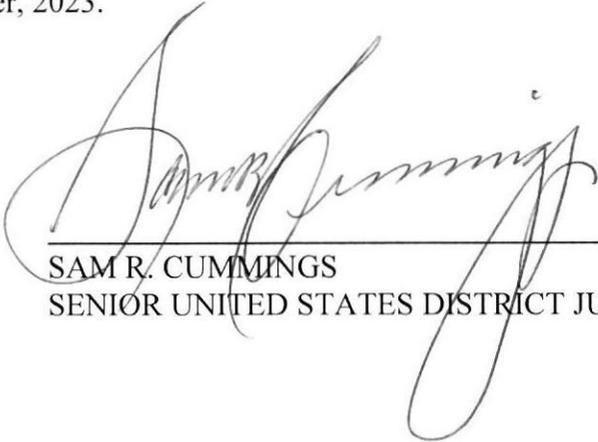
Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that it should: (1) find that Plaintiff used the prison mail system to timely deliver objections to the Magistrate Judge’s FCR to the prison officials on March 6, 2023; (2) construe Plaintiff’s objections as a Rule 59(e) motion; and (3) find that Plaintiff is not entitled to relief under Rule 59(e). Finally, the United States Magistrate Judge recommends that the above-styled and -numbered civil action be returned to the United States Court of Appeals for the Fifth Circuit upon the entry of this Order. Petitioner failed to file timely objections.

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).

The Court has conducted an independent review of the Magistrate Judge’s findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the Court: (1) finds that Plaintiff used the prison mail system to timely deliver objections to the Magistrate Judge’s FCR to the prison officials on March 6, 2023; (2) construes Plaintiff’s objections as a Rule 59(e) motion; and (3) finds that Plaintiff is not entitled to relief under Rule 59(e). Finally, the Clerk of Court shall return the above-styled and -numbered civil action to the United States Court of Appeals for the Fifth Circuit upon the entry of this Order.

SO ORDERED.

Dated this 13th day of November, 2023.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE