

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEMETRIA ORLANDO MALONE,
TDCJ No. 1347236

Petitioner,

v.

DIRECTOR, TDCJ-CID

Respondent.

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Civil Action No. 3:23-CV-1781-X-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. (Doc. No. 5). Magistrate Judge David L. Horan recommends dismissing Petitioner Demetria Orlando Malone's writ of habeas corpus because Malone did not exhaust his administrative remedies before filing a petition under 28 U.S.C. § 2254.¹

Malone filed an objection. In his objection, Malone argues that the trial court lacked jurisdiction to hear this case.² The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings,

¹ Doc. 5 at 2–4.

² Doc. 6 at 7.

Conclusions, and Recommendation of the United States Magistrate Judge. Therefore, the Court **DISMISSES WITHOUT PREJUDICE** Petitioner Demetria Orlando Malone's application for a writ of habeas corpus for failure to exhaust state remedies.

IT IS SO ORDERED this 14th day of November, 2023.

A handwritten signature in black ink, appearing to read "Brantley Starr", written over a horizontal line.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE