

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ALLEN FITZGERALD CALTON,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:07-CV-471-Y
	§	
NATHANIEL QUARTERMAN,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

In this action brought by petitioner Allen Fitzgerald Calton under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings¹ and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on September 16, 2008; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on October 27, 2008.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be denied for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

¹The Court notes that by Order of January 9, 2008, the magistrate judge granted Calton's second motion for leave to supplement his petition for writ of habeas corpus with a ten-page "Second Supplemental Petition for Writ of Habeas Corpus." Although labeled a "second" supplement to the petition, Calton's motion to strike his "first" supplement was also granted, such that the "Second Supplemental Petition" is the only supplement to the § 2254 petition. That document, however, was not separately file-stamped and docketed on January 9, 2008. The clerk of Court is directed to file *nunc pro tunc* effective January 9, 2008, the "Second Supplemental Petition for Writ of Habeas Corpus," and place a remark on the docket that this was done.

Petitioner Allen Fitzgerald Calton's petition for writ of habeas corpus under 28 U.S.C. § 2254 is DENIED.

SIGNED December 1, 2008.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE