

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

KEVIN DEWAYNE LEE,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:09-CV-022-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 Kevin Dewayne Lee under 28 U.S.C. § 2254 challenging his January 10, 1997, conviction and fifteen-year sentence for felony escape in cause number 12371 in the 43rd District Court of Parker County, Texas, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on January 26, 2009; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on February 6, 2009.¹

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 dismissed for the reasons stated in the magistrate judge's findings and conclusions.

¹Although entitled "Notice of Appeal," in the text of Lee's February 6, 2009, filing he writes that he "disagrees with the United States Magistrate Judge's proposed findings, conclusions and recommendations," and "objects to the Magistrate's findings, conclusions, and recommendations." Thus, the Court construes this document as objections to the findings, conclusions and recommendation of the magistrate judge, and the clerk of Court is directed to note this on the docket.

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

Petitioner Kevin Dewayne Lee's petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE to his right to file a motion in the United States Court of Appeals for the Fifth Circuit for leave to file a successive petition.

SIGNED February 9, 2009.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE