

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

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

DEC 29 2009

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_  
Deputy

CESAR CELESTINO SANTOS,  
Applicant,

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VS.

NO. 4:09-CV-356-A

RICK THALER, Director,  
Texas Department of Criminal  
Justice, Correctional  
Institutions Division,  
Respondent.

O R D E R

Came on for consideration the above-captioned action wherein Cesar Celestino Santos ("Santos") is applicant<sup>1</sup> and Rick Thaler, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is an application for writ of habeas corpus filed by applicant on June 18, 2009, pursuant to 28 U.S.C. § 2254. On November 11, 2009, the United States Magistrate Judge issued his proposed findings and conclusions and recommendation ("FC&R"), and ordered that the parties file objections, if any, thereto by December 1, 2009. Copies of the proposed FC&R were sent to applicant and respondent. Because timely objections have not been filed, the court adopts the magistrate judge's proposed findings and

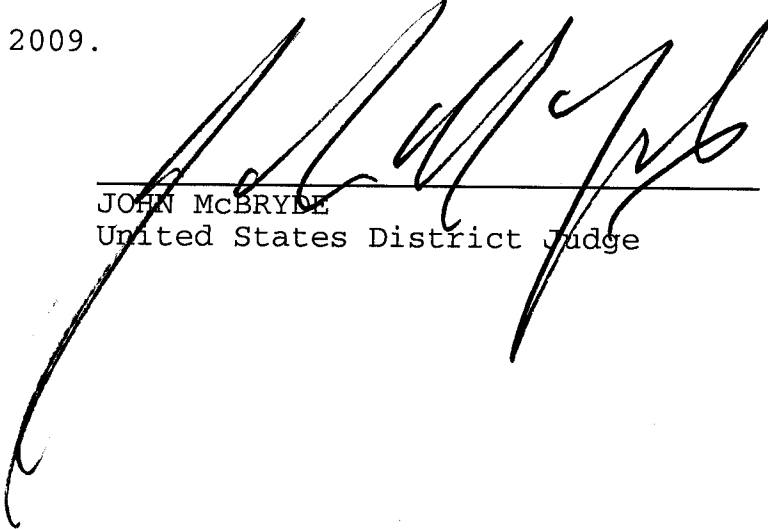
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<sup>1</sup>The title of the document filed by Santos was "Petition for a Writ of Habeas Corpus by a Person in State Custody," and Santos referred to himself as "petitioner" in the document. Consistent with the wording of 28 U.S.C. § 2254, the court is referring to the document filed as an "application" and is referring to Santos as "applicant."

conclusions and accepts the magistrate judge's recommendation.  
Therefore,

The court ORDERS that the application be, and is hereby,  
denied.

SIGNED December 29, 2009.



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JOHN McBRYDE  
United States District Judge