

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**BRANDON LAKEITH MONTGOMERY,**

**Petitioner,**

**v.**

**LORIE DAVIS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,**

**Respondent.**

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**Civil No. 7:17-CV-051-O**

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files, and records in this case, and of the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, I am of the opinion that the findings of fact, conclusions of law, and reasons for denial set forth in the Magistrate Judge’s Recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court.

The Court notes that Petitioner’s claim that he was assessed \$335.42 in monetary damages was severed from the instant case and Petitioner was afforded the opportunity to pursue that claim in a civil rights action. *See Montgomery v. Doe*, No. 7:17-CV-083-O (N.D. Tex. 2017). Petitioner voluntarily dismissed that case. Also, Petitioner was granted an extension of time in which to file objections to the Magistrate Judge’s Recommendation. *See Order*, ECF No. 15. But no objections were filed.

Accordingly, the petition for writ of habeas corpus is **DENIED**.

**SO ORDERED** this 28th day of July, 2017.

  
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Reed O’Connor  
UNITED STATES DISTRICT JUDGE