

United States District Court  
Southern District of Texas

**ENTERED**

January 09, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

JAVIER CHAVEZ,  
Petitioner,

§  
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§

VS.

CIVIL NO. B-16-283

LORIE DAVIS,  
Respondent.

**ORDER**

On August 17, 2017, the United States Magistrate Judge filed a Report and Recommendation [Doc. No. 13]. Petitioner has objected [Doc. No. 16] to said Report and Recommendation.

Having considered *de novo* the Magistrate Judge’s Report and Recommendation and the issues raised by Petitioner objections, the Court hereby adopts the Magistrate Judge’s Report and Recommendation. Therefore, Respondent Lorie Davis’ motion for summary judgment is granted [Doc. No. 11]. Javier Chavez’ petition for writ of habeas corpus by a person in state custody pursuant to 28 U.S.C. § 2254 [Doc. No. 1] is dismissed as untimely filed, or alternatively, denied as meritless. The issuance of a Certificate of Appealability is denied.

Signed this 9<sup>th</sup> day of January, 2018.



Andrew S. Hanen  
United States District Judge