

United States District Court
Southern District of Texas

ENTERED

April 10, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

PEDRO ANTONIO MORALES-
BATRES, by His Next Friend, ANA
JULIA JOVEL de MORALES,
Petitioner,

§
§
§
§
§
§
§
§
§
§
§

v.

Civil Action No. 1:18-cv-00033

JANIE E. BENNETT, Director of the
Port Isabel Detention Center,
Respondent.

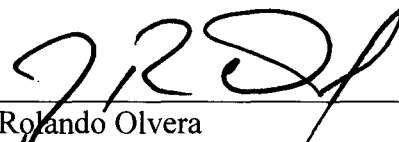
ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is the “Magistrate Judge’s Report and Recommendation” (hereafter “R&R”) (Docket No. 10), in the above-captioned case. The R&R recommends that Ana Julia Jovel de Morales’, as next friend of Pedro Antonio Morales-Batres, (hereafter “Petitioner”) “Petition for Habeas Corpus” (Docket No. 1) be **DISMISSED** for lack of jurisdiction, and the Petitioner’s “Motion for Temporary Restraining Order” (Docket No. 2) and the “Renewed Motion for Temporary Restraining Order” (Docket No. 9) be **DENIED**. Petitioner timely filed objections to the R&R.

After a *de novo* review of the file, the Court agrees with the “R&R” and holds that it lacks jurisdiction based upon the Petitioner’s imminent final order of removal under 8 U.S.C. § 1252. See *Assad v. Ashcroft*, 378 F.3d 471, 473-74 (5th Cir. 2004). Thus, Petitioner’s objections are overruled.

For the foregoing reasons, the “Magistrate Judge’s Report and Recommendation” (Docket No. 10) is **ADOPTED**. It is therefore **ORDERED** that the “Petition for Habeas Corpus” (Docket No. 1) is hereby **DISMISSED** with prejudice; and the “Motion for Temporary Restraining Order” (Docket No. 2) and the “Renewed Motion for Temporary Restraining Order” (Docket No. 9) are hereby **DENIED as moot**.

Signed on this 10th day of April, 2018.

A handwritten signature in black ink, appearing to read 'ROL' with a stylized flourish extending downwards and to the right.

Rolando Olvera
United States District Judge