

United States District Court  
Southern District of Texas**ENTERED**

January 07, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

DANIEL DAVID GOMEZ,

Petitioner,

VS.

THE STATE OF TEXAS,

Respondent.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 1:21-CV-120

**ORDER**

In August 2021, Petitioner Daniel David Gomez petitioned this Court for a writ of habeas corpus, alleging that he was being held in jail in violation of his right to a speedy trial. (Petition, Doc. 1, 1) At the time the petition was filed, Gomez was awaiting trial for unspecified charges at the Willacy County Jail in Raymondville, Texas. (*Id.* at 1–2, 4)

After the petition was filed, Gomez filed a Notice of Change of Address with the Court. (Notice, Doc. 14) In that Notice, Gomez stated that he was “no longer in [the] County jail.” (*Id.* at 1) A United States Magistrate Judge ordered Gomez to file an update with the Court as to whether the criminal charges against him had been resolved and whether he was still seeking a speedy trial. (Order, Doc. 15) Gomez failed to submit the requested update.

A United States Magistrate Judge recommends that Gomez’s petition be dismissed without prejudice for want of prosecution. (R&R, Doc. 18) No party filed objections to the Report and Recommendation, and the Court finds no clear error within it.<sup>1</sup>

The Court **ADOPTS** the Report and Recommendation (Doc. 18). As a result, it is:

**ORDERED** that Petitioner Daniel David Gomez’s Petition for a Writ of Habeas Corpus (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.

---

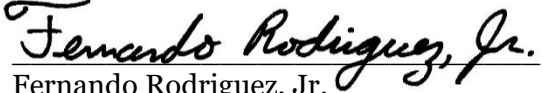
<sup>1</sup> The Court notes that on December 21, 2022, the Report and Recommendation was signed for at the address that Gomez provided in his Notice of Change of Address. (*See* Return Receipt, Doc. 20)

Each party shall be responsible for its own fees and costs.

This Order is final and appealable.

The Clerk of Court is directed to close this matter.

Signed on January 7, 2022.

  
Fernando Rodriguez, Jr.  
United States District Judge