

United States District Court  
Southern District of Texas

**ENTERED**

September 15, 2022

Nathan Ochsner, Clerk

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

DAVID GREG GONZALES,  
"Plaintiff",

v.

WILLACY COUNTY SHERIFF'S DEPT.,  
ET AL.,  
"Defendants".

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Civil Action No. 1:21-cv-00125

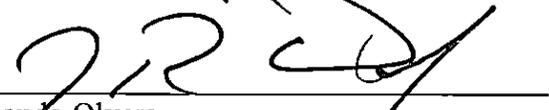
**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court are these pleadings: pro se Plaintiff's "Motion of Writ of Habeas Corpus" and supporting submissions ("Motion") (Dkt. No. 1, 9, 10, 22, 23, 41) and the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 43). Plaintiff is seeking to assert civil rights claims against his custodians and a habeas claim. *Id.* The Court will construe his Motion as a jointly submitted complaint brought under 42 U.S.C § 1983 ("Complaint"), and a petition brought under 28 U.S.C. § 2241 ("Petition"). The R&R addresses Plaintiff's Petition only.<sup>1</sup> The R&R recommends this Court (1) dismiss Plaintiff's Petition without prejudice; and (2) decline to issue a certificate of appealability.

No objections were filed by either party. When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Plaintiff's Petition (Dkt. No. 1, 9, 10, 22, 23, 41) is **DISMISSED** without prejudice. The Court declines to issue a certificate of appealability.

Signed on this 15<sup>th</sup> day of September, 2022.

  
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Rolando Olvera  
United States District Judge

<sup>1</sup> The Court will address Plaintiff's § 1983 Complaint in a separate Report and Recommendation.