

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ROGER WALLACE HENDERSON,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-08-42
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO GRANT
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT
AND DENYING PETITIONER'S MOTION
FOR HEARING/RECONSIDERATION**

On June 30, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that:

- 1) respondent's motion for summary judgment (D.E. 19) be granted;
- 2) petitioner's request for an injunction be denied;
- 3) the Court not consider petitioner's attack on his underlying conviction; and
- 4) petitioner be denied a certificate of appealability.

On July 17, 2008, petitioner filed Objections (D.E. 27) to the Magistrate's Recommendations including a motion for rehearing/reconsideration..

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.


Accordingly, it is ORDERED as follows:

- 1) respondent's motion for summary judgment is granted;
- 2) petitioner's request for an injunction is denied;
- 3) the Court does not consider petitioner's attack on his underlying conviction; and
- 4) petitioner is denied a certificate of appealability.

Petitioner's motion for rehearing/reconsideration included in D.E. 27 is DENIED.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 1st day of August, 2008.



Janis Graham Jack
United States District Judge