

United States District Court
Southern District of Texas

ENTERED

December 16, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

BRIAN LAMONT LAIDLER,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL NO. 2:16-CV-38
	§	
LORIE DAVIS ¹ ,	§	
	§	
Respondent.	§	

ORDER

Petitioner Brian Lamont Laidler is an inmate in the Texas Department of Criminal Justice – Correctional Institutions Division (TDCJ-CID), and is currently incarcerated at the Lynaugh Unit in Fort Stockton, Texas. He filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on January 30, 2016, claiming that his right to due process was violated in a disciplinary hearing held at the Lynaugh Unit. Dkt. No. 1. The Court has before it Respondent’s motion for summary judgment, Dkt. No. 8, to which Petitioner did not respond, and the Memorandum and Recommendations of the magistrate judge to whom this case was referred pursuant to 28 U.S.C. § 636(b), Dkt. No. 10 (“M&R”). The deadline to file objections to the magistrate judge’s proposed findings and recommendations has passed, and the docket sheet shows that no objections have been filed. *See* 28 U.S.C. § 636(b)(1) (setting 14-day deadline to file objections); Fed. R. Civ. P. 72(b)(2) (same); *see also* M&R at 11 (advising parties of 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court adopts the magistrate judge’s proposed findings and recommendations; **GRANTS** Respondent’s motion to dismiss, Dkt. No. 8; **DISMISSES** the petition for a writ of habeas corpus, Dkt. No. 1; and **DENIES** Petitioner a certificate of

¹ Lorie Davis is the newly appointed Director of the Texas Department of Criminal Justice – Correctional Institutions Division (TDCJ-CID), and is the proper Respondent. The Clerk shall substitute Lorie Davis for William Stephens. Fed. R. Civ. P. 25(d); Rule 2(a); Rules Governing Section 2254 Cases.

appealability. The Clerk shall close this case after entering the accompanying judgment.

It is so ORDERED.

SIGNED this 16th day of December, 2016.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle
Senior United States District Judge