

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

United States District Court
Southern District of Texas

ENTERED

March 06, 2018

David J. Bradley, Clerk

WAYNE DOUGLAS BASEY,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:17-CV-00026

ORDER

The Court is in receipt of Petitioner’s April 12, 2017, motion for summary judgment and an evidentiary hearing, Dkt. No. 8; Respondent’s April 26, 2017, motion for summary judgment, Dkt. No. 11; the October 5, 2017, Amended Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred, Dkt. No. 22; and Petitioner’s October 23, 2017, objection to the M&R, Dkt. No. 25.

The Court reviews objected-to portions of a Magistrate Judge’s proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff’s objections to the M&R are frivolous, conclusory, general, or contain no arguments that the M&R has not already considered. Dkt. No. 25; see also Battle v. United States Parole Comm’n, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections). After independently reviewing the record and considering the applicable law, the Court adopts the proposed M&R in its entirety. Dkt. No. 22. Thus, the Court OVERRULES Plaintiff’s objection.

The Court hereby:

- DENIES Petitioner’s motion for summary judgment and an evidentiary hearing, Dkt. No. 8;
• GRANTS Respondent’s motion for summary judgement, Dkt. No. 11;
• DISMISSES WITH PREJUDICE this action; and
• DENIES Petitioner a Certificate of Appealability.

The Court will order entry of Final Judgment separately.

SIGNED this 5th day of March, 2018.

[Handwritten signature of Hilda Tagle]

Hilda Tagle
Senior United States District Judge