

United States District Court  
Southern District of Texas

**ENTERED**

March 13, 2018

David J. Bradley, Clerk

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

ANDY MILTON GARCIA,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:17-CV-245

**ORDER**

The Court has before it Respondent's Motion for Summary Judgment (Dkt. No. 27), The Memorandum and Recommendation ("M&R") of the Magistrate to whom this case was referred (Dkt. No. 29), and Petitioner's response to the summary-judgment motion (Dkt. No. 31).<sup>1</sup>

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R (Dkt. No. 29). The Court **GRANTS** Respondent's Motion for Summary Judgment (Dkt. No. 27), **DISMISSES** the above-captioned case, and **DENIES** Petitioner a Certificate of Appealability. Final Judgment will be entered separately. *See* FED. R. CIV. P. 58.

SIGNED this 13th day of March, 2018.



Hilda Tagle  
Senior United States District Judge

<sup>1</sup> Although Petitioner's "Response [sic] to Respondents [sic] Motion for Summary Judgment" is untimely as a response to Respondent's summary-judgment motion, this Court construes the filing as a timely objection to the M&R and has reviewed it.