

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

ALPHA JAMES BADEAUX,

Petitioner,

*versus*

RICK THALER,

Respondent.

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CIVIL ACTION H-09-4127

Order of Adoption

On December 8, 2010, Magistrate Judge Stephen Wm. Smith issued an Amended Memorandum and Recommendation (24). Badeaux filed objections (28). After considering the record and the law, the court adopts the Memorandum and Recommendation as its Memorandum and Order. Badeaux's petition is denied with prejudice as time-barred, and alternatively because he has not met his burden to show he is entitled to relief. A certificate of appealability will not issue.

Signed March 9, 2011, at Houston, Texas.



Lynn N. Hughes  
United States District Judge