

United States District Court  
Southern District of Texas

**ENTERED**

August 04, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

HUMBERTO RODRIGUEZ, JR.,  
Petitioner

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VS.

CIVIL ACTION NO. 7:15-CV-113

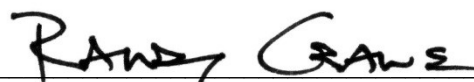
WILLIAM STEPHENS, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL  
JUSTIC, CORRECTIONAL  
INSTITUTIONS DIVISION  
Respondent

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Petitioner’s action pursuant to 28 U.S.C. § 2254(g), which motion had been referred to the Magistrate Court for a report and recommendation. Also pending are Respondent’s Motion for Summary Judgment, and Petitioner’s objections to the Report and Recommendation. On June 29, 2016, the Magistrate Court issued the Report and Recommendation, recommending that Respondent’s Motion for Summary Judgment be granted to the extent it is consistent with the Report, and that Petitioner’s claims under 28 U.S.C. § 2254 be denied and dismissed with prejudice.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has conducted a de novo review of the Report and Recommendation. Finding no clearly erroneous error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Respondent’s Motion for Summary Judgment (Dkt. Entry No. 19) is **GRANTED** to the extent it is consistent with the Magistrate’s Report, Petitioner’s 28 U.S.C. § 2254 claims are **DENIED** and **DISMISSED** with prejudice, and a Certificate of Appealability is **DENIED**.

SO ORDERED this 4th day of August, 2016, at McAllen, Texas.



Randy Crane  
United States District Judge