

United States District Court  
Southern District of Texas

**ENTERED**

September 27, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

MARCUS BRANDON CARTWRIGHT,

Plaintiff,

VS.

LORIE DAVIS,

Defendant.

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CIVIL ACTION NO. 7:17-CV-191

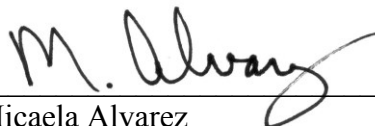
**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Petitioner Marcus Brandon Cartwright’s § 2254 *pro se* petition, which had been referred to the Magistrate Court for a report and recommendation. On September 7, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Petitioner’s § 2254 motion be dismissed without prejudice. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>1</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Petitioner’s § 2254 motion be **DISMISSED** without prejudice and the case be closed.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 27th day of September, 2018.



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Micaela Alvarez  
United States District Judge

<sup>1</sup> As noted by the Fifth Circuit, “[t]he advisory committee’s note to Rule 72(b) states that, “[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Douglas v. United Servs. Auto. Ass’n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee’s note (1983)) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at \*7 n.5 (5th Cir. Apr. 2, 2012).