

Affirmed and Opinion Filed February 28, 2017



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-16-01151-CR

EX PARTE DAVID DOWE

**On Appeal from the Criminal District Court No. 3
Dallas County, Texas
Trial Court Cause No. WX16-90018-J**

MEMORANDUM OPINION

Before Justices Bridges, Evans, and Schenck
Opinion by Justice Bridges

On September 14, 2016, David Dowe filed an appeal of the trial court's order denying him the relief sought by his application for writ of habeas corpus seeking to release him from an extradition order. Appellant questioned whether a magistrate judge's rejection, alone, of an application for writ of habeas corpus was sufficient to support the writ denial. Appellant argued that because the magistrate judge signed the order adopting the magistrate's findings and recommendations, and not the district judge, there was insufficient evidence to support the denial of the writ of habeas corpus. On February 2, 2017, we issued a memorandum opinion reversing the trial court's order denying habeas corpus relief and remanding the case to the trial court for clarification as to whether the district judge adopted the findings and recommendations of the magistrate. On February 14, 2017, we received a supplemental clerk's record that contains an order, signed by the district judge, that adopts the magistrate's findings and recommendations

and specifically denies the application for writ of habeas corpus. Thus, appellant's only issue in this appeal is now moot.

Accordingly, we affirm the trial court's order denying the relief sought by appellant's application for writ of habeas corpus.

/David L. Bridges/

DAVID L. BRIDGES
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

EX PARTE DAVID DOWE

No. 05-16-01151-CR

On Appeal from the Criminal District Court
No. 3, Dallas County, Texas
Trial Court Cause No. WX16-90018-J.
Opinion delivered by Justice Bridges.
Justices Evans and Schenck participating.

Based on the Court's opinion of this date, the trial court's order denying the relief sought by the application for writ of habeas corpus is **AFFIRMED**.

Judgment entered February 28, 2017.