
United States Court of Appeals
for the Fifth Circuit

No. 20-40535

MICHAEL VINCENT MOORE,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:17-CV-423

ORDER:

IT IS ORDERED that Appellant's motion to proceed in forma pauperis is DENIED.

IT IS FURTHER ORDERED that Appellant's motion for a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that Appellant's motion to supplement the record on appeal with attached exhibit A is DENIED.

No. 20-40535

IT IS FURTHER ORDERED that Appellant's motion to provide a copy of Exhibit A to Appellant upon supplementation of the record on appeal is DENIED.

/s/ Leslie H. Southwick
LESLIE H. SOUTHWICK
United States Circuit Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL VINCENT MOORE, #2002686, §
§
Petitioner, §
§
v. §
§
DIRECTOR, TDCJ-CID, §
§
Respondent. §

Case No. 6:17-CV-423-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On November 18, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 42) recommending that the petition for writ of habeas corpus be denied. It was further recommended that a certificate of appealability should be denied. *Id.* Petitioner filed written objections. Docket No. 45.

The Court reviews objected-to portions of the Magistrate Judge's Report and Recommendation de novo. *See* FED. R. CIV. P. 72 and 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court conducting a de novo review examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having reviewed Petitioner's objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct.

Accordingly, it is **ORDERED** that Petitioner's objections are **OVERRULED** and that the Magistrate Judge's Report (Docket No. 42) is **ADOPTED** as the opinion of this Court. It is further **ORDERED** that the petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. All pending motions are **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this 29th day of July, 2020.



Jeremy D. Kernal
JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MICHAEL VINCENT MOORE, #2002686,

§

Petitioner,

§

v.

§

Case No. 6:17-CV-423-JDK-KNM

DIRECTOR, TDCJ-CID,

§

Respondent.

§

§

§

FINAL JUDGMENT

The Court, having considered Petitioner's case and rendered its decision by opinion issued this same date, hereby

ORDERS that the petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. All pending motions are **DENIED AS MOOT**. The Clerk of the Court is instructed to **CLOSE** this case.

So **ORDERED** and **SIGNED** this 29th day of July, 2020.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE