**Appendix A.**

Fifth Circuit Court of Appeals denying relief. Case No. 26-40010.

# United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
March 20, 2026
Lyle W. Cayce
Clerk

No. 26-40010

CALVIN GARY WALKER,

*Petitioner—Appellant*,

*versus*

STATE OF TEXAS,

*Respondent—Appellee.*

Application for Certificate of Appealability
the United States District Court
for the Eastern District of Texas
USDC No. 1:25-CV-358

ORDER:

Calvin Gary Walker, who is currently on bond while appealing the revocation of his probation and the ensuing sentence of nine years and six months, moves for a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 application challenging his original conviction for securing execution of a document by deception. He contends that his counsel was ineffective when he failed to object to his state prosecution on the ground that the Jefferson County District Attorney represented to him that the State would not pursue charges against him.

Appendix-A

Walker additionally contends that the magistrate judge should have recused herself because she was involved in his prior federal criminal proceedings.

In order to obtain a COA, Walker must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When the district court denies relief on the merits, an applicant must show that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

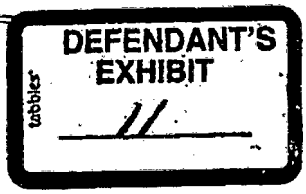
Walker fails to make the required showing. *See Slack*, 529 U.S. at 484. Accordingly, his motion for a COA is DENIED. His motion for a stay of the district court's order denying his motion for a stay pending this court's ruling on his COA motion is DENIED.

*/s/ Priscilla Richman*
PRISCILLA RICHMAN
*United States Circuit Judge*

**Appendix B.**

United States District Court denying relief, including Magistrate Judges' report and recommendations. Case No. 1:25-CV-358.

**UNITED STATES DISTRICT COURT** **EASTERN DISTRICT OF TEXAS**

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| CALVIN GARY WALKER, | § | |
| | § | |
| Petitioner, | § | |
| | § | |
| *versus* | § | CIVIL ACTION NO. 1:25-CV-358 |
| | § | |
| STATE OF TEXAS, | § | |
| | § | |
| Respondent. | § | |

**ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Calvin Gary Walker, proceeding *pro se*, filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying the Petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Petitioner contends that the state court's factual findings are not entitled to deference because the trial court did not conduct an evidentiary hearing. Federal courts are required to give deference to a state court's adjudication of a claim on the merits. *Sandoval Mendoza v. Lumpkin*, 81 F.4th 461, 471-72 (5th Cir. 2023). A "full and fair

hearing is not a precondition" to giving deference to a state court's findings on federal habeas review. *Id.* at 472. Nor does deference require a live hearing in state court. *Hudson v. Quarterman*, 273 F. App'x 331, 335 (5th Cir. 2008). "[A] state habeas judge's findings may be entitled to deference even after a paper hearing when the same judge presided over both the trial and habeas proceedings." *Id.*

In this case, the trial judge, who presided over the trial and the state habeas proceedings, considered the records from Petitioner's state and federal prosecutions, affidavits, and news articles submitted by Petitioner. The trial court determined that it was not necessary to conduct a live, in-person evidentiary hearing because Petitioner had not met his burden of proving the State entered into a non-prosecution agreement with Petitioner. (ECF No. 3-4 at 8-10.) Petitioner has not demonstrated that the state court was required to conduct a live evidentiary hearing or that the state court findings are not due deference. After careful consideration, the court concludes Petitioner's objections are without merit.

In this case, Petitioner is not entitled to the issuance of a certificate of appealability. An appeal from a judgment denying federal habeas corpus relief may not proceed unless a judge issues a certificate of appealability. *See* 28 U.S.C. § 2253; FED. R. APP. P. 22(b). The standard for granting a certificate of appealability, like that for granting a certificate of probable cause to appeal under prior law, requires Petitioner to make a substantial showing of the denial of a federal constitutional right. *See Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); *Elizalde v. Dretke*, 362 F.3d 323, 328 (5th Cir. 2004); *see also Barefoot v. Estelle*, 463 U.S. 880, 893 (1982). In making that substantial showing, Petitioner need not establish that he should prevail on the merits. Rather, he must demonstrate that the issues are subject to debate among jurists of reason, that a court

could resolve the issues in a different manner, or that the questions presented are worthy of encouragement to proceed further. *Slack*, 529 U.S. at 483-84. If the petition was denied on procedural grounds, Petitioner must show that jurists of reason would find it debatable: (1) whether the petition raises a valid claim of the denial of a constitutional right, and (2) whether the district court was correct in its procedural ruling. *Id.* at 484; *Elizalde*, 362 F.3d at 328. Any doubt regarding whether to grant a certificate of appealability is resolved in favor of Petitioner, and the severity of the penalty may be considered in making this determination. *See Miller v. Johnson*, 200 F.3d 274, 280-81 (5th Cir. 2000).

Here, Petitioner has not shown that any of the issues raised by his claims are subject to debate among jurists of reason, or that the procedural ruling was incorrect. Therefore, Petitioner has failed to make a sufficient showing to merit the issuance of a certificate of appealability.

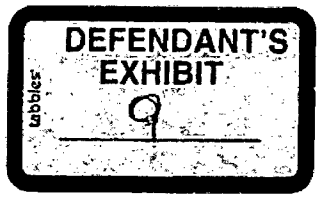
**ORDER**

Accordingly, Petitioner's objections (#13) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of the magistrate judge (#12) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation. A certificate of appealability will not be issued.

SIGNED at Beaumont, Texas, this 2nd day of January, 2026.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE




IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

| | | |
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| CALVIN GARY WALKER | § | |
| VS. | § | CIVIL ACTION NO. 1:25-CV-358 |
| DIRECTOR, TDCJ-CID | § | |

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Petitioner Calvin Gary Walker, proceeding *pro se*, filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

The Petition was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Factual Background

Petitioner challenges a judgment entered in the 252nd Judicial District Court of Jefferson County, Texas, in cause number F14-19966-A. The Ninth Court of Appeals summarized the lengthy procedural history of this case as follows:

> In May 2011, Walker was charged in the United States District Court for the Eastern District of Texas in a 37-count indictment related to work he performed for Beaumont Independent School District ("BISD"). In December 2012, the case was tried to a jury, but the jury could not reach a unanimous verdict on any charges, and the federal trial court declared a mistrial. Before a second trial, the United States offered Walker a federal plea deal that would include Walker's pleading guilty to the state misdemeanor of making a false and misleading statement of fact regarding the price of his services. *See* Tex. Penal Code Ann. § 32.42(b)(10). In exchange for the plea, the State would then recommend a sentence of probation. The plea offer also stipulated that Walker would agree to a civil forfeiture of two annuities plus accrued interest, would terminate his contract with BISD, and would be barred from bidding on the next competitive bidding for BISD for the electrical systems maintenance contract. The offer also stated that the government would recommend by letter to the Internal Revenue Service–Criminal Investigative Division that there be no further

investigation of the reporting of income and overstatement of expenses on Walker's 2009 U.S. Individual Income Tax return, and would not recommend prosecution of such a case. Walker rejected this plea offer.

In July 2012, Walker and his attorney executed a plea agreement with the United States based on a second offer made by the United States, which stipulated that Walker would enter a guilty plea to failure to pay a tax due and owing, a violation of 26 U.S.C. § 7203. In exchange for Walker's guilty plea, the United States agreed not to prosecute Walker for any other offenses it had knowledge of and agreed to recommend a sentence of probation without incarceration. The plea included restitution and forfeiture stipulations, and an acknowledgment that the plea was voluntary, waiver of appeal, and that Walker reviewed the agreement with legal counsel.

According to Walker, he was reluctant to accept the second plea agreement because he feared that the State would prosecute him for the same conduct alleged in the federal indictment. Walker stated that his counsel Dick DeGuerin ("DeGuerin") had the same concern, and DeGuerin called the Jefferson County District Attorney Tom Maness ("Maness") to discuss their concerns. Walker stated that on that phone call, Maness informed DeGuerin that he was aware of Walker's federal plea offer, and Maness assured DeGuerin that absent new of additional evidence, he would not pursue state charges against Walker. Walker asserts he relied on Maness's statement, and agreed to accept the federal plea offer. Based on the plea agreement, Walker was later sentenced to five (5) years of probation on the federal charge for the failure to pay a tax due and owing, and the remaining counts were dismissed.

In July 2014, a Jefferson County Grand Jury returned six felony indictments against Walker, which included four charges of the first-degree felony offense of fraudulent securing of a document execution, and two charges of money laundering. At the time of the indictment, Maness had retired, and Cory Crenshaw ("Crenshaw") was the appointed Jefferson County District Attorney. During the pendency of the state case, Walker filed two pretrial writs of habeas corpus, and both focused on double jeopardy. Both applications for relief were denied by the trial court, which this court affirmed on appeal.

In 2019, a jury found Walker guilty of securing execution of a document by deception and sentenced him to ten (10) years in prison; however, the sentence was suspended and Walker was placed on community supervision for ten (10) years. *See id.* § 32.46.

*Ex parte Walker*, No. 09-24-00123-CR, 2025 WL 980082 (Tex. App.–Beaumont, Apr. 2, 2025, pet ref'd) (unpublished). As a term of his community supervision, Petitioner was ordered to pay

restitution of $1,172,656.01 to BISD. The judgment was affirmed on appeal. *Walker v. State*, 659 S.W.3d 43 (Tex. App.–Beaumont 2022, pet. ref'd). Petitioner filed a petition for writ of certiorari, which was denied by the United States Supreme Court on February 21, 2023. *Walker v. Texas*, __ U.S. __, 143 S. Ct. 792 (2023).

Petitioner filed a state application for habeas relief pursuant to Article 11.072 of the Texas Code of Criminal Procedure. Petitioner argued that trial counsel provided ineffective assistance by failing to raise a due process violation based on Petitioner's reliance on the State's alleged promise not to prosecute when he entered into the federal plea agreement. The trial court denied the application, and that denial was affirmed on appeal. *Ex parte Walker*, 2025 WL 980082, at *1.

The Petition

Petitioner filed this Petition raising the same claim as in his state application: Petitioner claims defense counsel provided ineffective assistance by failing to argue that his state prosecution violated due process because Petitioner relied on the State's promise not to prosecute him when he entered into a plea agreement to resolve the federal charges against him.

Standard of Review

Title 28 U.S.C. § 2254 authorizes the district court to entertain a petition for writ of habeas corpus on behalf of a person in custody pursuant to a state court judgment if the prisoner is in custody in violation of the Constitution or laws or treaties of the United States. 28 U.S.C. § 2254(a). The court may not grant relief on any claim that was adjudicated in state court proceedings unless the adjudication: (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established federal law, as determined by the Supreme Court of the United

States;[1] or (2) resulted in a decision based on an unreasonable determination of the facts in light of the evidence presented in the state court. 28 U.S.C. § 2254(d). A decision is contrary to clearly established federal law if the state court reaches a conclusion opposite to a decision reached by the Supreme Court on a question of law, or if the state court decides a case differently than the Supreme Court has on a set of materially indistinguishable facts. *Williams v. Taylor*, 529 U.S. 362, 412-13 (2000). An application of clearly established federal law is unreasonable if the state court identifies the correct governing legal principle, but unreasonably applies that principle to the facts. *Id.* State court decisions must be given the benefit of the doubt. *Renico v. Lett*, 559 U.S. 766, 773 (2010).

The question for federal review is not whether the state court decision was incorrect, but whether it was unreasonable, which is a substantially higher threshold. *Schriro v. Landrigan*, 550 U.S. 465, 473 (2007). A state court decision is unreasonable only if it "was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement." *Harrington v. Richter*, 562 U.S. 86, 103 (2011). If the decision of the highest state court is not accompanied by an explanation of the court's reasoning, federal courts must look to the last state court decision that does provide an explanation for the decision. *Wilson v. Sellers*, 584 U.S. 122, 125 (2018). There is a rebuttable presumption that the unexplained ruling adopted the same reasoning. *Id.* at 125-26. "Where a state court's decision is unaccompanied by an explanation, the habeas petitioner's burden still must be met by showing there was no reasonable basis for the state court to deny relief." *Harrington*, 562 U.S. at 98; *see also Johnson v. Williams*, 568 U.S. 289, 293 (2013) (holding there is a rebuttable presumption that the

[1] In making this determination, federal courts may consider only the record before the state court that adjudicated the claim on the merits. *Cullen v. Pinholster*, 563 U.S. 170, 181 (2011).

federal claim was adjudicated on the merits when the state court addresses some claims, but not others, in its opinion); *see also Russell v. Denmark*, 68 F.4th 252, 262 (5th Cir. 2023) (noting that the federal habeas court only determines whether the state court's ultimate decision was reasonable, not whether the state court's written opinion discussed every aspect of the evidence). In such a case, the federal habeas court must consider any arguments or theories that could have supported the state court's decision. *Pinholster*, 563 U.S. at 188.

This court must accept as correct any factual determinations made by the state courts unless the petitioner rebuts the presumption of correctness by clear and convincing evidence. 28 U.S.C. § 2254(e). The presumption of correctness applies to both implicit and explicit factual findings. *Young v. Dretke*, 356 F.3d 616, 629 (5th Cir. 2004); *Valdez v. Cockrell*, 274 F.3d 941, 948 n. 11 (5th Cir. 2001) ("The presumption of correctness not only applies to explicit findings of fact, but it also applies to those unarticulated findings which are necessary to the state court's conclusions of mixed law and fact."). Deference to the factual findings of a state court is not dependent upon the quality of the state court's evidentiary hearing. *See Valdez*, 274 F.3d at 951 (holding that "a full and fair hearing is not a precondition to according § 2254(e)(1)'s presumption of correctness to state habeas court findings of fact nor to applying § 2254(d)'s standards of review.").

Analysis

In order to establish an ineffective assistance of counsel claim, Petitioner must prove counsel's performance was deficient and the deficient performance prejudiced Petitioner's defense. *Strickland v. Washington*, 466 U.S. 668 (1984). Because Petitioner must prove both deficient performance and prejudice, failure to prove either will be fatal to his claim. *Johnson v. Scott*, 68 F.3d 106, 109 (5th Cir. 1995).

Judicial review of counsel's performance is highly deferential. *Strickland*, 466 U.S. at 689. There is a strong presumption that counsel rendered reasonable, professional assistance and that the challenged conduct was the result of a reasoned strategy. *Id.* To overcome the presumption that counsel provided reasonably effective assistance, Petitioner must prove his attorney's performance was objectively unreasonable in light of the facts of Petitioner's case, viewed as of the time of the attorney's conduct. *Id.* at 689-90. A reasonable professional judgment to pursue a certain strategy should not be second-guessed. *Jones v. Barnes*, 463 U.S. 745, 751-54 (1983).

To show that he was prejudiced by counsel's deficient performance, Petitioner must establish "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. Petitioner must show a substantial likelihood that the result would have been different if counsel performed competently. *Richter*, 562 U.S. at 112. To determine whether Petitioner was prejudiced, the court must consider the totality of the evidence before the fact-finder. *Berghuis v. Thompkins*, 560 U.S. 370, 389 (2010).

Analysis of an ineffective assistance claim on federal habeas review of a state court conviction is not the same as adjudicating the claim on direct review of a federal conviction. *Richter*, 562 U.S. at 101. The key question on habeas review is not whether counsel's performance fell below the *Strickland* standard, but whether the state court's application of *Strickland* was unreasonable. *Id.* Even if Petitioner has a strong case for granting relief, that does not mean the state court was unreasonable in denying relief. *Id.* at 102. "A federal court may grant relief only if *every* 'fairminded juris[t]' would agree that *every* reasonable lawyer would have made a different decision." *Dunn v. Reeves*, 594 U.S. 731, 739-40 (2021) (citing *Richter*, 562 U.S. at 101).

During the state habeas proceedings, the trial court made extensive findings of fact and conclusions of law.[2] (Doc. #3-4 at 1-11.) The trial court noted that Petitioner's claim was based on the sworn affidavits of Petitioner and Mr. DeGuerin and various news articles. (Doc. #3-4 at 5.) In their affidavits, Petitioner and Mr. DeGuerin both state that, before Petitioner accepted the government's second plea offer, Mr. DeGuerin called the sitting District Attorney Tom Maness to determine whether the State intended to pursue criminal charges. (Doc. #3-2 at 48, 61.) Their recollections of the conversation vary slightly. Mr. DeGuerin recalls Mr. Maness saying that "he would not pursue state charges unless there was new or additional evidence," while Petitioner states that he remembers "Mr. Maness saying he was aware of the plea agreement and that he was not planning to pursue any charges against [Petitioner] in this matter." (Doc. #3-2 at 48, 61.) In a news article, Mr. Maness was reported to have said that "he has no plans to go forward with any case at this time." (Doc. #3-2 at 85.) The State submitted the affidavit of Mr. Maness who stated that he had no recollection of the conversation, that he was not involved in the federal investigation or plea negotiations, but that he would have "considered it improper and unethical as the sitting DA to bind my office without having had the opportunity to fully evaluate the case and evidence." (Doc. #3-2 at 63.) Mr. Maness went on to say, "It is possible I would have informed defense counsel that we had no current plans to file charges because we had nothing to file charges on at that time. Additionally, because of the complex nature of the case, if I had entered into a non-prosecution agreement, it would have been my practice to reduce the agreement to writing." (Doc. #3-2 at 64.)

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[2] Article 11.072 of the Texas Code of Criminal Procedure allows the applicant to seek relief from a judgment ordering community supervision. Unlike a habeas application brought pursuant to Article 11.07, in which the Texas Court of Criminal Appeals is the ultimate finder of fact, the trial court is the sole finder of fact in a proceeding brought pursuant to Article 11.072. *Ex parte Garcia*, 353 S.W.3d 785, 787-88 (Tex. Crim. App. 2011). The parties may then appeal the trial court's decision. TEX. CRIM. PRO. Art. 11.072, § 8.

The trial court found that the affidavits of Petitioner and Mr. DeGuerin were entitled to little, if any, weight because they contradicted their written statements in the federal plea papers and Petitioner's sworn testimony in federal court that the agreement was only binding on the United States Attorney's Office for the Eastern District of Texas, that the written document contained the entirety of the plea agreement, and no other promises had been made or implied. (Doc. #3-4 at 6-7; doc. #3-3 at 139-41.) The trial court weighed the evidence and made the following findings:

> 18. On one side of the scales of justice you have the federal plea documents from 2012 and applicant's sworn testimony from his federal plea hearing, and on the other side you have the affidavit documents from 2024. The scales are, *at best*, balanced.
>
> 19. When the weight of former District Attorney Tom Maness' affidavit is added to the plea documents from 2012 and applicant's then-sworn testimony, and whom from many, many years of experience this Court has found to be a credible and truthful individual, the weight of the truth prevails and the scales tip in that favor. Conversely, the hollow and contradictory assertions from 2024 are hoisted high in the air on the opposite side of the scale, exposed for all to see.
>
> 20. Although Mr. DeGuerin executed an affidavit that applicant characterizes as admitting culpability and showing [ineffective assistance of counsel], that assertion does not make it so, and failing to raise an unfounded motion does not constitute [ineffective assistance of counsel].
>
> 21. Applicant couches his claim in terms of contract law and the equitable doctrine of promissory estoppel. From the evidence before this Court, it appears that the only contract, and privity of contract, lies between applicant and the federal government.
>
> 22. Applicant has not sustained his burden of proof and has not shown any contract or promise made by the State of Texas.
>
> 23. As part of his [ineffective assistance of counsel] Due Process claim, applicant asserts that "no new or additional evidence was ever discovered, but the State later filed charges." Writ Application at P. 1. Applicant claims former District Attorney Tom Maness "assured [DeGuerin] he would not pursue state charges unless there was new or additional evidence." Writ Application at P.3. These assertions are internally inconsistent with what application alleges at P.4 of the writ application, that "Crenshaw said his office took information gathered by federal investigators for the recent state indictment of Walker, *but that most of the investigation was done*

> *independently*." (emphasis added). See also applicant's Appendix 4, P. 57 (news article).
>
> 24. This court notes that the news article cited by applicant concerning a purported statement from District Attorney Tom Maness states in its large-font byline on P.2 of the article that "Jefferson County DA has no plans to pursue case against Walker *presently*". (emphasis added). See Writ Application P. 82. Thus, applicant's very own evidence shows there was no *final decision* either way.

(Doc. #3-4 at 8-10.) Based on these findings and conclusions, the trial court denied Petitioner's application for habeas relief. Petitioner appealed the judgment.

On direct appeal, the Ninth Court affirmed the trial court's order. The court held that the evidence was insufficient to prove that Mr. Maness entered into an agreement not to prosecute Petitioner. *Ex parte Walker*, 2025 WL 980082, at *5. The court noted that "the evidence Walker submitted to support his habeas application does not support a promise by Maness to never prosecute Walker. The evidence only suggests that at the time of the statement, Maness had no plans to bring State charges against Walker." *Id.* at *6.

Counsel does not perform deficiently by failing to raise a meritless argument. *See Guidry v. Lumpkin*, 2 F.4th 472, 491 (5th Cir. 2021) ("[C]ounsel cannot be ineffective for failing to raise a meritless claim."). Thus, in order to have a valid ineffective assistance of counsel claim, Petitioner must show that he had a valid claim that his State prosecution was barred by a non-prosecution agreement. Non-prosecution agreements are contractual in nature, and they are governed by the general rules of contract law. *United States v. Jimenez*, 256 F.3d 330, 347 (5th Cir. 2001). The petitioner bears the burden of proving the existence of a non-prosecution agreement, and the essential terms of the agreement. *Id.*

The state court's factual findings concerning the alleged non-prosecution agreement are presumed to be correct because Petitioner has not offered clear and convincing evidence that those findings are incorrect. In this instance, the evidence does not show the existence of a non-prosecution agreement. At most, the evidence shows that Mr. Maness did not intend to pursue State charges at the time Petitioner entered into the federal plea agreement, but Mr. Maness did not make a binding promise to forego State charges in the future. Further, Petitioner's current stance that he had a non-prosecution agreement with the State contradicts the statements he made under oath in federal court.

Because Petitioner has not shown that he had a valid non-prosecution agreement with the State, counsel did not perform deficiently by failing to argue the State prosecution was barred by a non-prosecution agreement. As a result, the state court's rejection of Petitioner's ineffective assistance claim is a reasonable application of *Strickland*. Federal habeas relief is not warranted because Petitioner failed to show that the state court's decision was contrary to, or an unreasonable application of, clearly established federal law, or that the decision was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings.

## Recommendation

This Petition for Writ of Habeas Corpus should be denied.

## Objections

Within fourteen days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings of facts, conclusions of law and recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

Failure to file written objections to the proposed findings of facts, conclusions of law and recommendations contained within this report within fourteen days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings, conclusions and recommendations and from appellate review of the factual findings and legal conclusions accepted by the district court, except on grounds of plain error. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72.

**SIGNED this the 16th day of October, 2025.**

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT** **EASTERN DISTRICT OF TEXAS**

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| CALVIN GARY WALKER, | § | |
| | § | |
| Petitioner, | § | |
| | § | |
| *versus* | § | CIVIL ACTION NO. 1:25-CV-358 |
| | § | |
| STATE OF TEXAS, | § | |
| | § | |
| Respondent. | § | |

**FINAL JUDGMENT**

This action came on before the court, Honorable Marcia A. Crone, District Judge, presiding, and, the issues having been considered and a decision having been rendered, it is

**ORDERED** and **ADJUDGED** that this Petition for Writ of Habeas Corpus is **DENIED**. All motions not previously ruled on are **DENIED**. A certificate of appealability will not be issued.

SIGNED at Beaumont, Texas, this 2nd day of January, 2026.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

Appendix B

**Appendix C.** Fifth Circuit Court of Appeals denying rehearing relief. Case No. 26-40010.

# United States Court of Appeals for the Fifth Circuit

No. 26-40010

CALVIN GARY WALKER,

*Petitioner—Appellant*,

*versus*

STATE OF TEXAS,

*Respondent—Appellee.*

Application for Certificate of Appealability
the United States District Court
for the Eastern District of Texas
USDC No. 1:25-CV-358

UNPUBLISHED ORDER

Before JONES, RICHMAN, and RAMIREZ, *Circuit Judges*.

PER CURIAM:

A member of this panel previously DENIED Appellant's motion for a certificate of appealability. The panel has considered Appellant's motion for reconsideration.

IT IS ORDERED that the motion is DENIED.

Appendix-C

Additional material from this filing is available in the Clerk's Office.