

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ARTHUR GILMER CROSS, JR., §
 Petitioner, §
VS. § CIVIL ACTION NO.4:08-CV-603-Y
 §
NATHANIEL QUARTERMAN, §
Director, T.D.C.J. §
Correctional Institutions Div., §
 Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Arthur Gilmer Cross, Jr., under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on November 12, 2008; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on December 3, 2008.

The Court, after **de novo** review, concludes that Cross's objections must be overruled,¹ and that the petition for writ of habeas corpus should be dismissed as moot, for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

¹Cross's reliance on *Jackson v. Jackson*, 475 F.3d 261 (5th Cir. 2007) is misplaced as that case focused on whether an individual released to mandatory supervision was still a "prisoner" for purposes of the Prison Litigation Reform Act ("PLRA")'s "three strike" provision, 28 U.S.C. § 1915(g). Furthermore, even though Cross may presently be subjected to restrictive conditions, that does not change the fact that the challenges to his 2006 revocation proceeding and his request to be reinstated to mandatory release made the basis of this § 2254 petition, are moot since he has now been placed on mandatory supervision.

Arthur Gilmer Cross Jr.'s petition for writ of habeas corpus
is DISMISSED as moot.

SIGNED December 8, 2008.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE