

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50727
Summary Calendar

SHERMAN RENSHAW,

Petitioner-Appellant,

versus

UNITED STATES PROBATION DEP'T,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CV-145
- - - - -

April 5, 1996

Before REAVLEY, SMITH and PARKER, Circuit Judges.

PER CURIAM:*

Sherman Renshaw argues that the district court abused its discretion in failing to conduct an evidentiary hearing on his claim that he is entitled to an immediate federal probation revocation hearing. Renshaw also argues that the district court erred in conducting a de novo review of the record after the United States failed to file timely objections to the magistrate judge's findings and recommendation.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We have reviewed the record, the opinion of the district court, and the briefs, and find that the dismissal of the petition should be affirmed substantially for the reasons stated by the district court. See Renshaw v. United States Probation Department, No. A-94-CV-145 (W.D. Tex. Sept. 7, 1995). The district court did not reverse the factual findings or legal conclusions of the magistrate judge. The district court had a duty to fully review the record and was free to accept, reject, or modify the recommendation of the magistrate judge. See 28 U.S.C. § 636(b)(1)(C). The district court's ultimate disposition of the case is AFFIRMED.