

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

BENNIE DAVID GUY, ADC #72720

PETITIONER

V.

NO. 5:09cv00109 WRW

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition received from Magistrate Judge Jerry Cavaneau and the objections filed in response, and has further reviewed the relevant record de novo. The Findings and Recommendations are adopted in their entirety as this Court's findings.

Accordingly,

1. Respondent Abbott's motion to dismiss (doc. 12) is denied, and his motion to transfer case (doc. 12) is granted;
2. The Clerk is to immediately transfer this 28 U.S.C. § 2254 habeas corpus action to the United States District Court for the Eastern District of Texas, Tyler Division, 211 West Ferguson Street, Tyler, Texas 75702.
3. Petitioner's motion to stop extradition to Texas (doc. 10) is denied without prejudice to any actions brought in the state courts of Arkansas or Texas;
4. Petitioner's emergency motion for help (doc. 24) is denied without prejudice to presentation in a 42 U.S.C. § 1983 complaint;
5. Petitioner's renewed requests for counsel (doc. 21, at 3-4; doc. 18, at 9) are denied without prejudice to renewal in the Texas courts;

6. Petitioner's motion to add Respondent Abbott (doc. 9) is denied as duplicative;

7. Respondent Abbott's motion for leave to appear *pro hac vice* (doc. 12) is granted;

and

8. Petitioner's motion to dismiss Gregg County, Texas Case No. 23-613-B (doc. 15) due to Respondent Abbott's alleged failure to file a timely response to one of the Court's orders is denied.

IT IS SO ORDERED this 1st day of July, 2009.

/s/ Wm. R. Wilson, Jr. _____
UNITED STATES DISTRICT JUDGE