

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

JOHNNY RAY HAWTHONE
ADC #110572

PETITIONER

VS.

5:09CV00193 BSM/JTR

STATE OF ARKANSAS;
LARRY NORRIS, Director
Arkansas Department of Correction

RESPONDENTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. Judgment will be entered accordingly.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion to Proceed *In Forma Pauperis* (docket entry #1) is DENIED, AS MOOT.
2. The Petition for a Writ of Habeas Corpus, under 28 U.S.C. § 2254 (docket entry #2), is DISMISSED, WITHOUT PREJUDICE, so that Petitioner may seek authorization from the Eighth Circuit, pursuant to 28 U.S.C. § 2244(b)(3)(A), to file a successive habeas petition.

Dated this 10th day of September, 2009.



UNITED STATES DISTRICT JUDGE