

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

TONY BYLER  
ADC #134257

PETITIONER

VS.

5:10CV00012 SWW/JTR

DAVID GUNTHARP, Director  
Arkansas Department of  
Community Correction

RESPONDENT

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed.<sup>1</sup> After careful review, 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 the Respondent's Motion to Dismiss (docket entry #9) is GRANTED, and this case is DISMISSED, WITH PREJUDICE. IT IS FURTHER ORDERED THAT a Certificate of Appealability is DENIED pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases.

Dated this 17<sup>th</sup> day of December, 2010.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Proposed Findings and Recommended Disposition mailed to petitioner were returned to the Clerk, the envelope marked "Released 4/5/10 RTS."