

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

DONALD FEARS
ADC #99174

PETITIONER

VS.

5:11CV00027 SWW-JTR

RAY HOBBS, Director,
Arkansas Department of 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. After careful consideration, 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 Respondent's Motion to Transfer or Dismiss (docket entry #13) is GRANTED in part and DENIED in part, and that this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (docket entry #2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED THAT a Certificate of Appealability is DENIED

pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts.

DATED this 2nd day of November 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE