

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

**JOHNNY LEE NICHOLS
ADC#115100**

PETITIONER

VS.

5:12CV00152 KGB/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 (Dkt. No. 46) and the filed objections (Dkt. No. 50). 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. Mr. Nichols's pending motion for judicial notice is moot (Dkt. No. 49). Judgment will be entered accordingly.

IT IS THEREFORE ORDERED that the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is dismissed without prejudice (Dkt. No. 14). Mr. Nichols's pending motion for judicial notice is moot (Dkt. No. 49). It is further ordered a Certificate of Appealability is denied pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases.

SO ORDERED this the 1st day of April, 2013.



Kristine G. Baker
United States District Judge