

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

ISIDORO QUINONEZ and  
DIANE QUINONEZ

PETITIONERS

V.

Civil No. 08-2086

LARRY NORRIS, Director  
Arkansas Department of Correction

RESPONDENT

O R D E R

On this 12th day of March 2009, there comes on for consideration the report and recommendation filed in this case on February 11, 2009, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 15). No objections were filed to the report and recommendation.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted except to the extent the dismissal will be without prejudice. Accordingly, Petitioners' 28 U.S.C. § 2254 petition (Doc. 1) is hereby DISMISSED WITHOUT PREJUDICE for failure to exhaust state remedies.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge