

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

DONALD ANDREWS

PETITIONER

V.

Civil No. 12-2130

LARRY NORRIS, Director
Arkansas Department of Correction

RESPONDENT

O R D E R

On this 19th day of October, 2012, there comes on for consideration the report and recommendation filed in this case on August 24, 2012, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 5). Also before the Court are Petitioner's objections (doc. 6) and a motion (doc. 7) requesting a form to assist him in filing a Rule 37 petition in state court.

The court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Petitioner's 28 U.S.C. § 2254 petition is hereby DISMISSED WITH PREJUDICE as his claims are procedurally defaulted. Defendant's Motion (doc. 7) is DENIED as to his request for a Rule 37 form. Defendant was advised by the Circuit Court that a form does not exist, and this Court is aware of none.

IT IS SO ORDERED.

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