

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

ROGER DALE CAMPBELL

PETITIONER

v.

Case No. 3:12-CV-03125

STATE OF ARKANSAS

RESPONDENT

ORDER

Currently before the Court is the Report and Recommendations (Doc. 4) filed in this case on September 27, 2012, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. Also before the Court are Plaintiff's timely filed objections (Doc. 5).

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendations. It appears that Plaintiff's habeas claims have been prematurely filed in this Court prior to Plaintiff exhausting any potential state court remedies at such time as those remedies may become available and appropriate. *Carney v. Fabian*, 487 F.3d 1094, 1096 (8th Cir. 2007) ("To be eligible for federal habeas corpus relief, a state prisoner must first exhaust his state law remedies and fairly present the facts and substance of his habeas claim to the state court." (internal quotation omitted)).

The Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendations, IT IS ORDERED that Petitioner's Habeas Corpus Petition (Doc. 1) filed under 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 15th day of November, 2012.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE