

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

AMBER YBARRA

PETITIONER

VS.

CASE NO.: 4:12-CV-4017

RAY HOBBS, Director,
Arkansas Department of
Corrections

RESPONDENT

ORDER

Pending is the Report and Recommendation filed March 15, 2012 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 5). Judge Bryant has examined the Petitioner's Petition for Writ of Error *Coram Nobis* (ECF No. 1¹), and recommends dismissing the Petition with prejudice. The Petitioner timely objects. (ECF No. 6). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

Judge Bryant recommends dismissing the Petitioner's Petition for two reasons: 1) a petition for writ of error *coram nobis* is not proper for an in-custody petitioner; and 2) the Petitioner has a separate but nearly identical petition for writ of *habeas corpus* pending.²

In her objection, the Petitioner agrees that her separate *habeas* petition involves the same claims as the ones in this case, but asks the Court to "find this case with relevance, and this matter be looked into appropriately." (ECF No. 6, at 2). Looking into the matter appropriately, the Court finds this case relevant but duplicative, and therefore unnecessary.

¹ At Judge Bryant's instruction, the clerk filed the petition as one for a writ of *habeas corpus*, because it seeks release from custody.

² That petition is pending as Case No. 4:11-cv-4097.

The Court therefore adopts Judge Bryant's Report and Recommendation as its own. For the reasons stated in Judge Bryant's report, and those discussed above, the Petitioner's Petition is **DISMISSED WITH PREJUDICE.**

IT IS SO ORDERED, this 2nd day of April, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge