

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

WALTER EARNEST VAUGHN, III

PETITIONER

v.

Case No. 4:24-cv-04030

THE STATE OF ARKANSAS

DEFENDANT

ORDER

Before the Court is a Report and Recommendation issued by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 6. Judge Bryant recommends that Petitioner's Amended Petition under 28 U.S.C. § 2254 for Writ of *Habeas Corpus* (ECF No. 5) be dismissed without prejudice as premature for failure to exhaust his state court remedies.

Petitioner has not filed an objection to the Report and Recommendation, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, finding that there is no clear error on the face of the record and that Judge Bryant's reasoning is sound, the Court adopts the Report and Recommendation (ECF No. 6) *in toto*. Petitioner's Amended Petition under 28 U.S.C. § 2254 for Writ of *Habeas Corpus* (ECF No. 5) is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 4th day of June, 2024.

/s/ Susan O. Hickey

Susan O. Hickey

Chief United States District Judge