

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

MICHAEL FITZHUGH

PETITIONER

v.

Civil No. 12-5038

RAY HOBBS, Director,
Arkansas Department of Correction

RESPONDENT

O R D E R

Now on this 19th day of March 2013, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #38), filed on January 23, 2013, to which no objections have been filed. The Court has reviewed the Report and Recommendation and, being well and sufficiently advised, finds that it is proper and should be adopted in its entirety.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation** (document #38) is **adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Report and Recommendation, Michael Fitzhugh's **Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus** (document #1) is hereby **denied**, and this case is **dismissed without prejudice**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE