

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

GARDNER TAYLOR

CIVIL ACTION

VERSUS

NO. 08-1745

WARDEN JEFFERY TRAVIS

SECTION "J"(3)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED that the petition of Gardner Taylor for issuance of a writ of habeas corpus under 28 U.S.C. § 2254 be **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

New Orleans, Louisiana, this 8th day of May, 2009.


UNITED STATES DISTRICT JUDGE