

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

**VIRGIL L. SMITH**

**CIVIL ACTION**

**VERSUS**

**NO. 10-0413**

**N. BURL CAIN, WARDEN**

**SECTION "F"(4)**

**ORDER**

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the objections 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 Virgil L. Smith's petition for issuance of a writ of habeas corpus, pursuant to 28 U.S.C. § 2254 is **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 10<sup>th</sup> day of NOV., 2011.

  
UNITED STATES DISTRICT JUDGE