

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

**JOSEPH SAM**

**CIVIL ACTION**

**VERSUS**

**NO. 11-0713**

**STATE OF LOUISIANA**

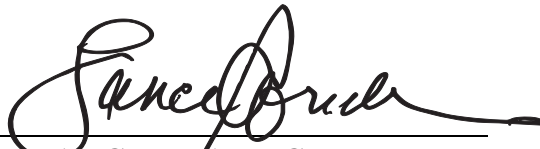
**SECTION "T"(2)**

**ORDER**

The court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the objection by petitioner, Joseph Sam, which is hereby **OVERRULED**, 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 Joseph Sam for issuance of a writ of habeas corpus under 28 U.S.C. § 2254 is **TRANSFERRED** to the United States Fifth Circuit Court of Appeals under the authority of 28 U.S.C. § 1631 for that court to determine whether petitioner is authorized under 28 U.S.C. § 2244(b) to file the instant habeas corpus petition in this district court.

New Orleans, Louisiana, this 27<sup>th</sup> day of September, 2011.

  
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LANCE M. AFRICK  
UNITED STATES DISTRICT JUDGE