

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

**CECIL PONCEY, III**

**CIVIL ACTION**

**VERSUS**

**NO. 12-103**

**ROBERT TANNER, CCE, WARDEN**


**SECTION "I"(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 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 Cecil Pouncey, III's petition for issuance of a writ of habeas corpus, pursuant to 28 U.S.C. § 2254 is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

New Orleans, Louisiana, this 11th day of September, 2012.

  
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**LANCE M. AFRICK**  
**UNITED STATES DISTRICT JUDGE**