

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

**THASSEUS FRITH**

**CIVIL ACTION**

**VERSUS**

**NO: 14-702**

**STEVE RADER, ET AL**

**SECTION: "H"(4)**

**ORDER**

Before the Court is the Report and Recommendations of the Magistrate Judge (Doc. 12) and the objections thereto (Doc. 13). In the Report, the Magistrate Judge recommended dismissal of the Petition without prejudice because all four of Petitioner's claims were unexhausted. Since the filing of the Report, the Louisiana Supreme Court has denied writs on Petitioner's state court application for post-conviction relief. Accordingly, three of Petitioner's four claims now appear to be exhausted. In his objections to the report, Petitioner asks the Court to dismiss his fourth, unexhausted, claim and proceed to the merits of his three exhausted claims. The Court **GRANTS** this request. Petitioner's fourth claim, that the evidence does not support his conviction, is **DISMISSED WITHOUT PREJUDICE**. This matter is **REFERRED** to the Magistrate Judge for a Report and Recommendations on Petitioner's remaining claims.

New Orleans, Louisiana, on this 12th day of December, 2014.

A handwritten signature in black ink, appearing to read "Jane Triche Milazzo". The signature is written in a cursive style with a large initial "J".

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**JANE TRICHE MILAZZO**  
**UNITED STATES DISTRICT JUDGE**