

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

YILVER PONCE

VERSUS

TIMOTHY KEITH, WARDEN

CIVIL ACTION

NO. 15-1179

SECTION "E"(5)

ORDER

The Court, having considered the petition, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the objections thereto, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Accordingly,

IT IS ORDERED that the petition of Yilver Ponce for issuance of a writ of habeas corpus under 28 U.S.C. § 2254, will be **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies, unless Ponce chooses to amend the petition to dismiss the unexhausted claims for relief and proceed with only the exhausted claims. Ponce is granted leave of court to file an amended petition for issuance of a writ of habeas corpus through and including **September 6, 2016**. If an amended petition is not filed by September 6, Ponce's petition will be dismissed without prejudice.

New Orleans, Louisiana, this 5th day of August, 2016


UNITED STATES DISTRICT JUDGE