

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

STEPHON GRAVES

CIVIL ACTION

VERSUS

NO. 16-0520

W.S. MCCAIN, WARDEN, RAYBURN  
CORRECTIONAL CENTER

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 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** the United States Fifth Circuit Court of Appeals is hereby notified that the records of the B.B. "Sixty" Rayburn Correctional Center establish that the petitioner, Stephon Graves presented his "Certificate of Appealability," later treated as a Notice of Appeal, to prison officials for mailing to the United States Fifth Circuit on December 23, 2016.

**IT IS FURTHER ORDERED** that, pursuant to the remand order, this case is hereby returned to the United States Fifth Circuit Court of Appeal for further proceedings, or dismissal, as may be appropriate.

New Orleans, Louisiana, this 5th day of July, 2017.

  
UNITED STATES DISTRICT JUDGE

**CLERK OF COURT TO FORWARD COPY  
TO THE UNITED STATES FIFTH CIRCUIT  
COURT OF APPEALS**