

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

**PETER SIMMONS
VERSUS
STATE OF LOUISIANA**

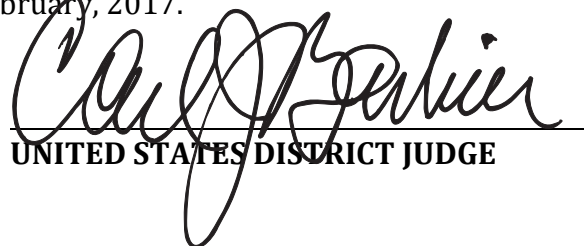
**CIVIL ACTION
NO. 16-15045
SECTION: "J"(5)**

ORDER

The Court, having considered the petition, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the 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. Accordingly,

IT IS ORDERED that the petition of Peter Simmons for issuance of a writ of habeas corpus under 28 U.S.C. § 2254, is hereby **DISMISSED WITHOUT PREJUDICE**.

New Orleans, Louisiana, this 1st day of February, 2017.


UNITED STATES DISTRICT JUDGE