

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

**JAMES PRESTON**

**CIVIL ACTION**

**VERSUS**

**NO. 20-3075**

**JAMES LEBLANC, SECRETARY**

**SECTION: "F"(3)**

**ORDER**

The Court, having considered the petition, the record, the applicable law and the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file any objection to the Magistrate Judge's Report and Recommendation<sup>1</sup>, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its own opinion. Accordingly,

**IT IS ORDERED** that the federal application for habeas corpus relief filed by James Preston is **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 18th day of November, 2021.

  
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**MARTIN L.C. FELDMAN**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> The Court is aware that Mr. Preston may have been released prior to the release of the Report and Recommendation and that his release may have impacted his ability to receive the Report. Given that the Court believes that any objection would be futile, the Court declines to consider whether these circumstances moot the habeas petition or warrant additional time for responses.