

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST. COURT  
MIDDLE DISTRICT OF LOUISIANA  
2009 MAR -9 P 2:13

MARQUES DUANE SMITH

VERSUS

JIMMY SHIVERS, ET AL.

CIVIL ACTION

NO. 06-946-JJB-DLD

**RULING**

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby dated February 5, 2009 (doc. no. 19) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the application of petitioner Marques Duane Smith for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DENIED.

Baton Rouge, Louisiana, this 9<sup>th</sup> day of March, 2009.



JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE