

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

MICHAEL F. JOHNSON (#244598)

VERSUS

CIVIL ACTION

KEITH DEVILLE, ET AL

NO. 09-984-JJB-SCR

RULING

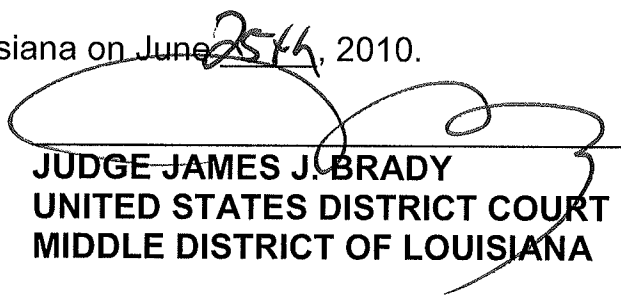
The Court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Stephen C. Riedlinger, dated May 4, 2010 (doc. no. 15). Petitioner has filed an objection which the Court has carefully considered.

The Court finds that the magistrate judge's findings of fact and conclusions of law are all clearly correct and that there is no need to further address petitioner's arguments.¹ The Court hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein. Accordingly,

¹ The Court notes that the only new argument raised by Petitioner concerns the applicability of an exception that would remove the procedural bar on Petitioner's federal habeas application. *See Coleman v. Thompson*, 501 U.S. 722, 750 (1991) (finding that federal habeas review is barred unless prisoner can demonstrate cause for the default and actual prejudice, or that failure to consider the claims will result in miscarriage of justice). However, Petitioner's argument lacks substance and reasoning, and is merely a restatement of his previously argued claims. Thus, no exception applies and Petitioner's claims are procedurally barred from federal review.

IT IS ORDERED that the petitioner's application for writ of habeas corpus
is DENIED.

Signed in Baton Rouge, Louisiana on June 25th, 2010.



**JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**