

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHARLES NEELY (#302642)

CIVIL ACTION

VERSUS

N. BURL CAIN

NO. 10-230-C

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 April 19, 2010. Plaintiff has filed an objection which the court has considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the petitioner's application for habeas corpus relief shall be dismissed as untimely and as barred by procedural default.

Baton Rouge, Louisiana, June 11, 2010.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA