

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HOWARD L. JACKSON (#104336)

CIVIL ACTION

VERSUS

N. BURL CAIN, WARDEN

NO.: 3:12-cv-00767-BAJ-RLB

RULING AND ORDER

Before the Court is Petitioner's **PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (Doc. 1)**.

The State of Louisiana has responded to Petitioner's application by arguing that Petitioner's claims are time-barred by operation of the one-year statute of limitations found in 28 U.S.C. § 2244. (*See* Doc. 13-1 at pp. 2–3). The Magistrate Judge has issued a **REPORT (Doc. 15)** recommending “that the State's contentions relative to untimeliness be rejected and that this matter be referred back to the Magistrate Judge for further proceedings.” (*Id.* at p. 11). The State has filed an objection to the Magistrate Judge's recommendation. (Doc. 16).

Having carefully considered Petitioner's **PETITION (Doc. 1)** and related filings, the Court **APPROVES** the Magistrate Judge's **REPORT (Doc. 15)**, and **ADOPTS** it as the Court's opinion. Accordingly, **IT IS ORDERED** that this matter be referred back to the Magistrate Judge for further proceedings.

IT IS FURTHER ORDERED that the District Attorney for the Eighteenth Judicial District Court for the Parish of West Baton Rouge, State of Louisiana: (1)

supplement the record in this matter to address, if possible, the deficiencies noted in the Magistrate Judge's Report; and (2) file a supplemental memorandum addressing the merits of Petitioner's Petition, and any remaining issues in this case.

Baton Rouge, Louisiana, this 6th day of January, 2014.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**