

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

**MICHAEL R. CHAMBERS (#121816)**

**CIVIL ACTION**

**VERSUS**

**BURL CAIN, ET AL.**

**NO.: 3:13-cv-00071-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 Magistrate Judge has issued a **REPORT AND RECOMMENDATION (Doc. 9)**, recommending that Petitioner's Petition be dismissed without prejudice to later reapply for a writ of habeas corpus upon exhaustion of state court remedies. (*Id.* at p. 7). Petitioner filed timely objections to the Magistrate Judge's Report. (Doc. 10).

Having independently considered Petitioner's **PETITION (Doc. 1)** and related filings—including Petitioner's objections—the Court **APPROVES** the Magistrate Judge's **REPORT AND RECOMMENDATION (Doc. 9)**, and **ADOPTS** it as the Court's opinion herein.

Accordingly,

**IT IS ORDERED** that Petitioner's § 2254 Petition (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** for the reasons explained in the Magistrate Judge's Report and Recommendation (Doc. 9).

**IT IS FURTHER ORDERED** that Petitioner's request for a certificate of appealability (Doc. 10 at p. 5) is **DENIED** because Petitioner has failed to "ma[ke] a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

Baton Rouge, Louisiana, this 14<sup>th</sup> day of November, 2013.

A handwritten signature in cursive script, appearing to read "Brian A. Jackson", written in black ink.

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