

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MALIK A. SHABAZZ,
A/K/A DARWIN RILEY (#318433)

CIVIL ACTION

VERSUS

STATE OF LOUISIANA, ET AL.

NO.: 3: 14-cv-00290-BAJ-RLB

RULING AND ORDER

Before the Court is Petitioner's **AMENDED PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (Doc. 3)**. The Magistrate Judge has issued a **REPORT (Doc. 4)** recommending that "[P]etitioner's application for habeas corpus relief be dismissed, without prejudice, for failure to exhaust state court remedies as mandated by 28 U.S.C. § 2254(b)," and, further, that the Court deny Petitioner a certificate of appealability, (*id.* at p. 7). Petitioner objects to the Magistrate Judge's Report. (Doc. 5).

Having carefully considered Petitioner's **PETITION (Doc. 1)** and related filings—including Petitioner's objections—the Court **APPROVES** the Magistrate Judge's **REPORT (Doc. 4)** and **ADOPTS** it as the Court's opinion in this matter. Accordingly, for the reasons explained in the Magistrate Judge's Report (Doc. 4),

IT IS ORDERED that Petitioner's **AMENDED § 2254 PETITION (Doc. 3)** is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that a certificate of appealability 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 17th day of July, 2014.

A handwritten signature in blue ink, appearing to read "Brian A. Jackson", written over a horizontal line.

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