

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JACOB BELL

CIVIL ACTION

VERSUS

STATE OF LOUISIANA

NO.: 15-00393-BAJ-EWD

RULING AND ORDER

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 40)** under 28 U.S.C. § 636(b)(1). The Magistrate Judge recommends that the Court grant the State of Louisiana's Motions for Summary Judgment (Docs. 29, 38) and deny Petitioner's Motion for Writ of Mandamus (Doc. 39). The Magistrate Judge also recommends that the Court dismiss Petitioner's application for writ of habeas corpus without prejudice to his re-filing (1) upon the grant of permission to pursue a successive habeas corpus application under 28 U.S.C. § 2244(b)(3)(A), as to Petitioner's challenge to the validity of his 2007 conviction and sentence; or (2) upon exhaustion of state court remedies, as to Petitioner's challenge to the 2013 revocation of his supervised release.

The Report and Recommendation notified the parties that they had 14 days from the date they received the Report and Recommendation to file written objections. (Doc. 40). Neither party objected. Having carefully considered the Petition for Writ of Habeas Corpus (Doc. 1), Defendant's Motions for Summary Judgment (Docs. 29, 38), Petitioner's Motion for Writ of Mandamus (Doc. 39), and the

Magistrate Judge's Report and Recommendation (Doc. 40), the Court approves the Magistrate Judge's Report and Recommendation and adopts the findings of fact, conclusions of law, and recommendation.

Accordingly,

IT IS ORDERED that the Magistrate Judge's **Report and Recommendation (Doc. 40)** is **ADOPTED** as the Court's opinion.

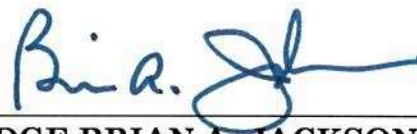
IT IS FURTHER ORDERED that the **Motions for Summary Judgment (Doc. 29, 38)** are **GRANTED**.

IT IS FURTHER ORDERED that the **Motion for Writ of Mandamus (Doc. 39)** is **DENIED**.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** without prejudice to Petitioner's re-filing (1) upon the grant of permission to pursue a successive petition for writ of habeas corpus under 28 U.S.C. § 2244(b)(3)(A), as to Petitioner's challenge to the validity of his 2007 conviction and sentence; or (2) upon exhaustion of state court remedies, as to Petitioner's challenge to the 2013 revocation of his supervised release.

IT IS FURTHER ORDERED that a separate Final Judgment shall issue in accordance with Federal Rule of Civil Procedure 58.

Baton Rouge, Louisiana, this 26th day of September, 2018.



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