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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

ERIC C. HENDERSON
FED. REG. NO. 16582-058
VS.

CIVIL ACTION NO. 09-0857

SECTION P

JUDGE DRELL

WARDEN JOE KEFFER

MAGISTRATE JUDGE KIRK

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

IT IS ORDERED THAT this petition for *habeas corpus* is **DENIED AND DISMISSED WITH PREJUDICE.**

Additionally, we note that Luther v. Vanyur, 14 F.Supp.2d 773 (E.D. N.C. 1997) is inapposite. There, the Bureau of Prisons actually accepted the prisoner. Here, there was only a federal detainer. The Luther court understood this distinction and supported it, citing also Del Guzzi v. United States, 980 F.2d 1269, 1270, 1272-73 (9th Cir. 1992).

THUS DONE AND SIGNED, in chambers, in Alexandria, Louisiana, on this 12th day of October, 2009.



DEE D. DRELL
UNITED STATES DISTRICT JUDGE