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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

OTIS R. MCKINLEY

CIVIL ACTION NO. 11-1366

VERSUS

JUDGE TRIMBLE

WARDEN, AVOYELLES  
CORRECTIONAL CENTER

MAGISTRATE JUDGE KIRK

J U D G M E N T

For the reasons stated in the report and recommendation of the magistrate judge previously issued herein and after de novo review of the record, including the objections filed by petitioner,<sup>1</sup> and having determined that the findings and recommendations are correct under applicable law, it is hereby

**ORDERED, ADJUDGED and DECREED** that the above-captioned case is **DISMISSED** in accordance with the provisions of FRCP 41(b). Accordingly, it is further

**ORDERED** that petitioner's motion for leave to proceed in forma pauperis is **DENIED**.<sup>2</sup>

**THUS DONE AND SIGNED** in chambers at Alexandria, Louisiana this 20<sup>th</sup> day of October, 2011.

[Signature]  
JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Petitioner was given until September 15, 2011 to correct the deficiencies which are discussed in the magistrate judge's report and recommendation. See R. 3. Petitioner's objections, though timely, purport to submit an amended petition for writ of habeas corpus and an application to proceed in forma pauperis. See R. 6, 7. The court notes, however, that petitioner's amended petition is deficient because it is not submitted in proper form. Moreover, such petition is untimely.

<sup>2</sup> R. 8.