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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

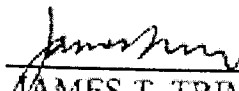
MICHAEL DAVID SMITH : DOCKET NO. 12-859
VS. : JUDGE TRIMBLE
CALVIN MCFERRIN : MAGISTRATE JUDGE KIRK

JUDGMENT

For reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, noting the absence of objections thereto, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that Smith's Petition for Writ of Habeas Corpus (28 U.S.C. §2241) in the captioned case be **DISMISSED without prejudice** for failing to exhaust state court remedies.

THUS DONE AND SIGNED in Chambers at Alexandria, Louisiana, on this 15th day of October, 2012.



JAMES T. TRIMBLE, JR.
U.S. DISTRICT JUDGE