

JUL 25 2016

TONY R. MOORE, CLERK
BY: MB
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

JERMAINE SURTAIN,
Petitioner

CIVIL ACTION NO. 1:16-CV-663;
SECTION "P"

VERSUS

JUDGE TRIMBLE

J.A. BARNHART,
Respondent

MAGISTRATE JUDGE PEREZ-MONTES

J U D G M E N T

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after a de novo review of the record including the objections filed by Petitioner, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that the Petition for Writ of Habeas Corpus filed under § 2241 is hereby **DENIED** and **DISMISSED**. Since this Court was not the sentencing court, it does not have jurisdiction to treat Plaintiff's petition as a § 2255 motion. Thus, to the extent that the Petition could be construed as a § 2255 motion, it should be **DISMISSED FOR LACK OF JURISDICTION**.

THUS DONE AND SIGNED at Alexandria, Louisiana, this 25th day of July, 2016.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE