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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

CEVERO GARCIA

: DOCKET NO. 2:08-cv-1005
SECTION P

VS.

: JUDGE TRIMBLE

WARDEN BURL CAIN

: MAGISTRATE JUDGE KAY

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, and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law; it is

IT IS ORDERED that plaintiff's application for Writ of *Habeas Corpus* be **TRANSFERRED TO THE UNITED STATES FIFTH CIRCUIT COURT OF APPEALS FOR FURTHER PROCEEDINGS.**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 9th day of March, 2009.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE