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04/23/09

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

STEPHEN W. RUSSELL

CIVIL ACTION NO. 08-CV-1289

VS.

JUDGE MELANÇON

WARDEN, FEDERAL DETENTION  
CENTER, OAKDALE

MAGISTRATE JUDGE METHVIN

**JUDGMENT**

This matter was referred to United States Magistrate Judge Mildred E. Methvin for her Report and Recommendation. After an independent review of the record and the applicable jurisprudence, and noting the absence of objection, this Court concludes that the Findings and Recommendation of the magistrate judge are correct and this Court adopts the conclusions set forth therein.

Accordingly, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the government's motion to dismiss is **GRANTED** and that the petition is **DENIED and DISMISSED WITHOUT PREJUDICE.**

Lafayette, Louisiana this 22<sup>nd</sup> day of April, 2009.



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**TUCKER L. MELANÇON**  
UNITED STATES DISTRICT JUDGE