

RECEIVED
IN LAKE CHARLES, LA

SEP 27 2010

TONY R. MOORE, CLERK
BY: *AM* DEPT. 11

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

RICHARD ABCO : DOCKET NO. 10-0196
SECTION "P"
VS. : JUDGE MINALDI
PHILLIP MILLER : 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

ORDERED that Respondent's Motion to Dismiss be **GRANTED**.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus be **DISMISSED WITHOUT PREJUDICE**.

THUS DONE AND SIGNED, in Chambers, at Lake Charles, Louisiana, this 27 day of Sept 2010.

Patricia Minaldi
PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE