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IN LAKE CHARLES, LA.

JUL 22 2013

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BY PH DEPUTYUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISIONRUSTY GENE LOVEJOY  
341630

CIVIL ACTION NO. 2:12-CV-1987

VS.

JUDGE PATRICIA MINALDI

WARDEN, LOUISIANA  
STATE PENITENTIARY

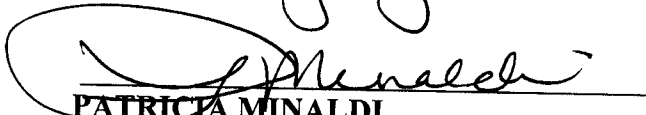
MAGISTRATE JUDGE KATHLEEN KAY

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein [Doc. 8] and after an independent review of the record, a *de novo* determination of the issues, consideration of the objections filed herein,<sup>1</sup> and having determined that the findings are correct under applicable law,

**IT IS ORDERED** that the petitioner's petition for writ of habeas corpus be **DENIED** and **DISMISSED WITH PREJUDICE**.

Lake Charles, Louisiana, on this 22 day of July, 2013.

  
PATRICIA MINALDI  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> The petitioner's one objection is that the Magistrate Judge erroneously noted that he had previously filed a habeas corpus petition in May 2005, when in fact prison mail records indicated that "no legal mail was received from the federal district court in 2005 or 2006." Accordingly, the petitioner asks for a "supplemental records expansion" to ascertain whether he did file said habeas petition. This argument is without merit, as evidenced by the attached docket sheet from *Lovejoy v. Warden*, case no. 2:05-cv-00808-JTT, which shows that the petitioner filed a petition of habeas corpus in May 2005. That petition was subsequently dismissed without prejudice in December 2005. The docket sheet does not indicate that either the Report and Recommendation or Judgment were returned as undeliverable.