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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

ODIS LUMPKIN, II
83431-004

CIVIL ACTION NO. 2:12-CV-3013

VS.

SECTION P

CHARLES E. SAMUEL, JR.,
DIRECTOR OF THE BUREAU OF PRISONS


JUDGE MINALDI
MAGISTRATE JUDGE KAY

JUDGMENT

There being no objection to the proposed findings of fact and conclusions of law in the Report and Recommendation [Doc. 7] of the Magistrate Judge previously filed herein, these findings and conclusions are accepted. Alternatively, this court concludes that the proposed findings and conclusions are entirely correct.¹ Accordingly,

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

Lake Charles, Louisiana, this the 9 day of July, 2013.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE

¹ The undersigned notes that, on page 4 of the Report and Recommendation, the Magistrate Judge cites *Reyes-Requena v. United States*, 243 F.3d 893 (5th Cir. 2001), for the elements a petitioner must demonstrate in order to show a motion to vacate remedy under 28 U.S.C. § 2255 is inadequate: "...the claim *is based was foreclosed* by circuit law at the time when the claim should have been raised at trial, appeal, or first section 2255 motion." (emphasis added). While the Magistrate Judge's analysis on whether a section 2255 remedy was inadequate or ineffective was ultimately correct, the text should have read "the claim *was foreclosed* by circuit law at the time when the claim should have been raised at trial, appeal or first section 2255 motion."