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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

TROY LAMAR MORTON,

Plaintiff,

v.

C. MAIORANA,

Defendant.

* **CIVIL ACTION NO. 2:13-cv-2548**

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* **JUDGE MINALDI**

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* **MAGISTRATE JUDGE KAY**

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JUDGMENT

Before the court is the Report and Recommendation [Doc. 7] of the Magistrate Judge previously filed herein, to which the petitioner has filed Objections [Docs. 8-9]. One of the objections that the petitioner raises is that the Seventh Circuit recently held that a United States Magistrate Judge is not permitted to accept a guilty plea in felony cases and adjudicate a defendant guilty. *See* Pet.’s Supp. Brief and Mem. of Law [Doc. 9], at 2 (citing *U.S. v. Harden*, 758 F.3d 886 (7th Cir. 2014)). However, this ruling is in conflict with the majority of circuit courts who have ruled on this issue. *Harden*, 758 F.3d at 891 (acknowledging a split from the Second, Fourth, Fifth, Eighth, Ninth, Tenth, and Eleventh Circuit Courts of Appeal). Moreover, the decisions of the Seventh Circuit Court of Appeals are not controlling in this matter.

Therefore, for the reasons stated in the Report and Recommendation [Doc.7] of the Magistrate Judge previously filed herein, and considering the objections herein [Docs. 8-9], after an independent review of the record, a *de novo* determination of the issues, and having determined that the findings are correct under applicable law,

IT IS ORDERED that the plaintiff's *habeas corpus* petition [Doc. 1] be and hereby is
DISMISSED, WITH PREJUDICE.

Lake Charles, Louisiana, this 5 day of November, 2014.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE