Green v. Maiarona Doc. 4

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

MARCO GREEN,	*	**CIVIL ACTION NO. 2:14-cv-859**
Petitioner,	*	
v.	*	**JUDGE MINALDI**
WARDEN MAIORANA,	*	
Respondent.	*	**MAGISTRATE JUDGE KAY**

****

JUDGMENT

For the reasons stated in the Report and Recommendation [Doc. 2] of the Magistrate Judge previously filed herein, consideration of the Objections [Doc. 3], 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 petitioner's petition [Doc. 1] be and hereby is **DISMISSED, WITH PREJUDICE,** because the court lacks jurisdiction to consider these claims. Additionally, the court notes that the Fifth Circuit Court of Appeals has explicitly held that *Descamps v. U.S.*, 133 S.Ct. 2276 (2013), is not retroactive on collateral review. *In re Jackson*, 776 F.3d 292, 296 (5th Cir. 2015).

Lake Charles, Louisiana, this 16 day of July, 2015.

PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE

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