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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

HERNAN PAYAN-PAZ,

Petitioner,

v.

C. MAIORANA,

Respondent.

* CIVIL ACTION NO. 2:14-cv-2366

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* JUDGE MINALDI

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* MAGISTRATE JUDGE KAY

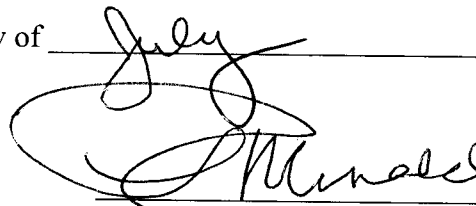
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JUDGMENT

For the reasons stated in the Report and Recommendation [Doc. 8] of the Magistrate Judge previously filed herein, 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 [Docs. 1 & 4] 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