

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

**VALECIO JAMELL SMITH
B.O.P. # 26986-001**

**CIVIL ACTION NO. 2:17-CV-184
SECTION P**

VERSUS

JUDGE ROBERT G. JAMES

WARDEN JOHNSON

MAGISTRATE JUDGE KAY

JUDGMENT

For the reasons stated in the Report and Recommendation [Doc. No. 10] of the Magistrate Judge previously filed herein, and after a *de novo* review of the record, determining that the findings are correct under applicable law, and considering all objections to the Report and Recommendation in the record,

IT IS ORDERED, ADJUDGED AND DECREED that the claim in Petitioner's application for writ of *habeas corpus* regarding the execution of his sentence is DENIED and DISMISSED WITH PREJUDICE, and the claim regarding his presence at resentencing is DENIED and DISMISSED WITHOUT PREJUDICE for lack of jurisdiction. All claims having been resolved, the Clerk of Court is directed to close this case.

MONROE, LOUISIANA, this 25th day of January, 2018.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE