U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED - SHREVEPORT
FEB 18 2009
ROBERT H. SHEMWELL, CLERK
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

PAUL LATHAN, JR. La. DOC #502198	CIVIL ACTION NO: 08-0731 SECTION P
VERSUS	JUDGE DONALD E. WALTER
WARDEN JOHNNY SUMLIN	MAGISTRATE HAYES

JUDGMENT

For the reasons stated in both the Report and Recommendation and the Supplemental Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, including written objections filed by Plaintiff, and determining that the findings are correct under the applicable law;

IT IS ORDERED that Plaintiff's petition for writ of *habeas corpus* is **DISMISSED WITHOUT PREJUDICE** due to Plaintiff's failure to exhaust available state court remedies.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana on this 18 day of February, 2009.

DONALD E. WALTER
UNITED STATES DISTRICT JUDGE