

AUG 12 2011

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

DIODA SAINTILUS

* CIVIL ACTION NO. 11-0224
Section P

VERSUS

* JUDGE DONALD E. WALTER

JOHN SMITH (WARDEN), ET AL.

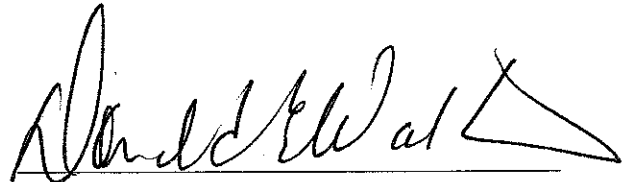
* MAG. JUDGE KAREN L. HAYES

J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED that the motion to dismiss [doc. # 23] filed on behalf of respondents is **GRANTED**, and that the Petition for Writ of *Habeas Corpus* is hereby **DISMISSED**, without prejudice, for lack of subject matter jurisdiction. Fed.R.Civ.P. 12(b)(1).

THUS DONE AND SIGNED this 8 day of August 2011 in
Monroe, Louisiana.



DONALD E. WALTER
UNITED STATES DISTRICT JUDGE