

RECEIVED  
IN MONROE, LA.

JUL 01 2011

  
TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

WILLIAM ELIENIST

CIVIL ACTION NO. 11-0284  
Section P

VERSUS

JUDGE ROBERT G. JAMES

JOHN SMITH (WARDEN)


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, ADJUDGED, AND DECREED** that the Motion to Dismiss [Doc. No. 19] filed on behalf of respondents is **GRANTED** and 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).

MONROE, LOUISIANA, this 1 day of July 2011.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE