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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

ROGER MARIALA

* CIVIL ACTION NO. 11-0384
 Section P

VERSUS

* JUDGE DONALD E. WALTER

JOHN SMITH, WARDEN for TENSAS
 DETENTION, 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. # 21] 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 5 day of October 2011 in
 Shreveport, Louisiana.

Donald E. Walter
 DONALD E. WALTER
 UNITED STATES DISTRICT JUDGE