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U.S. DISTRICT COURTUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

EMMANUEL JOSEPH

\* CIVIL ACTION NO. 11-0448  
Section P

VERSUS

\* JUDGE DONALD E. WALTER

JOHN SMITH (WARDEN)

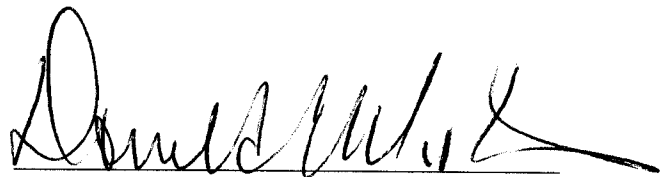
\* MAG. JUDGE KAREN L. HAYES

## 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 that the motion to dismiss [doc. # 16] 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  
UNITED STATES DISTRICT JUDGE