Metellus v. Smith Doc. 26

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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

DEMETRY METELLUS	*	**CIVIL ACTION NO. 11-0498** **Section P**
VERSUS	*	**JUDGE DONALD E. WALTER**
JOHN SMITH (WARDEN)	*	**MAG. JUDGE KAREN L. HAYES**

JUDGMENT

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 respondent 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 21 day of November 2011, Shreveport, Louisiana.

DONALD E. WALTER
UNITED STATES DISTRICT JUDGE

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