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**UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF LOUISIANA**

MONROE DIVISION

BARTHOLOMEW OKAFOR * **CIVIL ACTION NO. 12-0467**
VERSUS * **JUDGE JAMES T. TRIMBLE, JR.**
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. # 13] 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).

IT IS FURTHER ORDERED that the motion for summary judgment [doc. # 11] filed by petitioner is **DENIED**, as moot, and that the associated request for attorney's fees is likewise **DENIED**.

THUS DONE AND SIGNED this 16th day of October 2012,
 Alexandria, Louisiana.



 JAMES T. TRIMBLE, JR.
 UNITED STATES DISTRICT JUDGE