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UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

BRANDON SHEPARD  
 VERSUS  
 WARDEN

CIVIL ACTION NO. 12-1996-P  
 JUDGE STAGG  
 MAGISTRATE JUDGE HORNSBY

J U D G M E N T

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, considering that although the plaintiff filed numerous documents in response to the court's orders to demonstrate that he had exhausted his state court remedies, he failed to provide documentation to evidence that his claims were, in fact, **fully exhausted** with the **state courts**, and noting the lack of written objections filed by Petitioner and determining that the findings are correct under the applicable law;

**IT IS ORDERED** that Petitioner's application for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 27<sup>th</sup> day of

August 2014.

Tom Stagg  
 TOM STAGG  
 UNITED STATES DISTRICT JUDGE