

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

RONNIE W. YORK, Petitioner

CIVIL ACTION NO. 5:17-CV-223-P

VERSUS

JUDGE ELIZABETH E. FOOTE

DARREL VANNOY, Respondent

MAGISTRATE JUDGE PEREZ-MONTES

J U D G M E N T

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, including the objections thereto, and concurring with the findings of the Magistrate Judge under the applicable law;^{1,2,3}

IT IS ORDERED that the petition for writ of habeas corpus filed under 28 U.S.C. § 2254 is hereby **DISMISSED** with prejudice.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 25th day of June, 2019.

ELIZABETH E. FOOTE
UNITED STATES DISTRICT JUDGE

¹ The Court notes that York does point to the Equal Protection Clause as the federal source of his claim regarding Y.P.'s competence to testify. [Record Document 1-2 at 44.] As the Equal Protection Clause is not a relevant source of rights in this context, the Court agrees with the Magistrate Judge that York has failed to state a federal basis for habeas relief as to this claim. [Record Document 24 at 26].

² The Magistrate Judge described York's two sentences as both consecutive and concurrent. [Record Document 24 at 23]. The state court ordered York to serve his sentences consecutively. Nevertheless, the Magistrate Judge's inaccurate description of York's sentence does not affect the correctness of the analysis in the Report and Recommendation.

³ York also raises a claim of cumulative error that the Magistrate Judge did not address. [Record Document 1-2 at 57]. As the Magistrate Judge correctly found that there were no errors—harmless or otherwise—York's cumulative error claim also fails.