

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

GARY A. BAILEY

CIVIL ACTION NO. 17-0597

VERSUS

JUDGE S. MAURICE HICKS, JR.

DARRELL VANNOY, ET AL.

MAGISTRATE JUDGE PEREZ-MONTES

JUDGMENT

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, no written objections having been filed, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that Petitioner Gary A. Bailey's ("Bailey") Motion to Withdraw Habitual Offender Case (Record Document 7) be **GRANTED**, and that this lawsuit be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(a)(1)(A).

IT IS FURTHER ORDERED that Bailey's Voluntary Motion to Dismiss (Record Document 8), Voluntary Motion to Dismiss (Record Document 10), and deficient Motion to Proceed In Forma Pauperis (Record Document Doc. 2) be **DENIED AS MOOT**.

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 at Shreveport, Louisiana, this the 12th day of July, 2017.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE