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

LAKE CHARLES DIVISION

MARK RUTLEDGE

CIVIL ACTION NO. 08-0546

VS.

SECTION P

JUDGE HAIK

WARDEN BURL CAIN

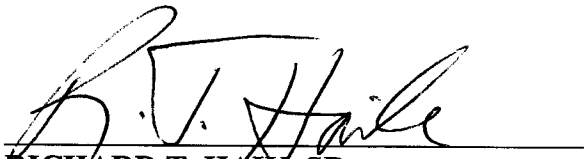
MAGISTRATE JUDGE METHVIN

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, determining that the findings are correct under the applicable law, and noting the absence of objections to the Report and Recommendation in the record;

IT IS ORDERED that the petition for writ of *habeas corpus* be **DISMISSED WITH PREJUDICE** both as time-barred by the provisions of 28 U.S.C. §2244(d) and on the merits because petitioner has failed to establish that he is entitled to relief pursuant to 28 U.S.C. §2254(d).

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 28th day of October, 2009.


RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE