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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

DOUGLAS C. JONES
LA. DOC #126403

VS.

LYNN COOPER, WARDEN

CIVIL ACTION NO. 09-0086

SECTION P
JUDGE DOHERTY
MAGISTRATE JUDGE METHVIN

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 including the objections filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that this petition for writ of *habeas corpus* be **DISMISSED WITH PREJUDICE** pursuant to the provisions of Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts because:

1. Petitioner has not established that he is in custody in violation of the Constitution and Laws of the United States; and,
2. Because petitioner's claims are barred by the one-year limitation period codified at 28 U.S.C. §2244(d); and, since petitioner failed to exhaust available state court remedies his claims, although now technically exhausted, it must be dismissed as procedurally defaulted.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 14 day of December, 2009.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE