

RECEIVED  
IN LAFAYETTE, LA.

FEB - 5 2010

UNITED STATES DISTRICT COURT

TONY R. MOORE, CLERK  
BY \_\_\_\_\_  
DEPUTY

WESTERN DISTRICT OF LOUISIANA

TERRY SMITH  
LA. DOC #312695

CIVIL ACTION NO. 6:09-0981

VS.

SECTION P

JUDGE HAIK

BURL CAIN, WARDEN

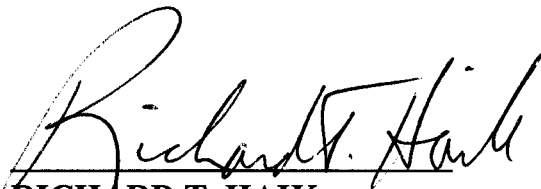
MAGISTRATE JUDGE HILL

**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* is **DENIED AND DISMISSED WITH PREJUDICE** because petitioner's claims are barred by the one-year limitation period codified at 28 U.S.C. § 2244(d).

**THUS DONE AND SIGNED**, in chambers, in Lafayette, Louisiana, on this 5<sup>th</sup>  
day of February, 2010.

  
**RICHARD T. HAIK**  
**UNITED STATES DISTRICT JUDGE**