

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

**RUFUS J. HENRY  
LA. DOC #74334  
VS.**

**CIVIL ACTION NO. 6:10-cv-0720**

**SECTION P**

**JUDGE MELANÇON**

**WARDEN BURL CAIN**

**MAGISTRATE JUDGE HANNA**

**J U D G M E N T**

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

**IT IS ORDERED** that the petition for writ of *habeas* be deemed a successive *habeas corpus* petition and that it be **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. §1631 for further proceedings in accordance with the provisions of 28 U.S.C. § 2244(b).

**THUS DONE AND SIGNED**, in chambers, in Lafayette, Louisiana, on this 15<sup>th</sup> day of September, 2010.