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

**THEODORE J. PHILLIPS**  
 La. DOC #216784  
**VS.**

**CIVIL ACTION NO. 6:10-cv-1300**  
**SECTION P**  
**JUDGE HAIK**

**BURL N. CAIN, WARDEN**

**MAGISTRATE JUDGE HANNA**

**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 *habeas corpus* be **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 12 day of May, 2011.

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

*TK*