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FEB 14 2011 TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANAUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISIONVICTOR G. BAXTER
FED. REG. NO. 26713-004
V.

DOCKET NO. 6:10-cv-1622

SECTION "P"

JUDGE DOHERTY

WARDEN W.A. SHERROD

MAGISTRATE JUDGE HANNA

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

IT IS ORDERED that the petitions for *habeas corpus* filed pursuant to 28 U.S.C. §2254 be **DISMISSED WITH PREJUDICE** because petitioner is no longer "in custody" with respect to the conviction attacked and therefore this court lacks subject matter jurisdiction to consider his claims;

IT IS FURTHER ORDERED that the petition for *habeas corpus* filed pursuant to 28 U.S.C. §2241 also be **DISMISSED WITH PREJUDICE** because the court lacks jurisdiction to consider those claims.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 14
day of February, 2011.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE