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JAN 16 2015

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

LAFAYETTE DIVISION

PATRIC LEVIER

CIVIL ACTION 14-445

VERSUS

JUDGE HAIK

BURL CAIN, WARDEN

MAGISTRATE JUDGE HANNA

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JUDGMENT

This matter was referred to Magistrate Judge Patrick Hanna for Report and Recommendation. After full consideration of the record, including the objections and responses filed by the parties, the Court concludes the Report and Recommendation of the Magistrate Judge is correct and, therefore, adopts the conclusions set forth therein. Accordingly,

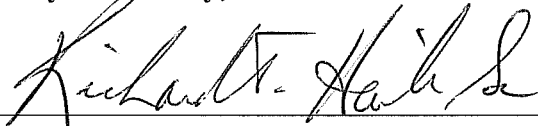
The petition filed by Patrick Levier is **DISMISSED WITH PREJUDICE**.

In response to the Report and Recommendation, the petitioner filed Objections on November 14, 2014, within the time delays allowed. The State was allowed until November 28, 2014 to respond to those objections. The State timely filed its response on November 24, 2014. The petitioner, however, filed a Motion to Strike the response as untimely and containing only “general allegations” and “misrepresentation of the facts”. The State filed an opposition to the motion and a hearing was set, without oral argument, for January 15, 2015.

At this time, all delays for filings have run and the issue is ripe for adjudication.

As the response of the State was timely filed and the petitioner was allowed an opportunity to respond to the State’s arguments, the Motion to Strike (Doc. #35) is **DENIED**.

THIS DONE and SIGNED on this 12<sup>th</sup> day of January, 2015.

A handwritten signature in cursive script, reading "Richard T. Haik, Sr.", written in black ink.

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RICHARD T. HAIK, SR., DISTRICT JUDGE  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA