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WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

BRANDON SCOTT LAVERGNE

CIVIL ACTION NO. 6:16-CV-1127

VS.

SECTION P.

CHIEF JUDGE DEE D. DRELL

LOUISIANA STATE  
PENITENTIARY, ET AL

MAGISTRATE JUDGE WHITEHURST

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 the petition be deemed a successive petition for writ of *habeas corpus* 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).

**IT IS FURTHER ORDERED** that petitioner's Motion for Relief by Audita Querela [Rec. Doc. 6] is **DENIED**.

**THUS DONE AND SIGNED**, in chambers, in Alexandria, Louisiana, on this 13<sup>th</sup> day of February, 2017.



**CHIEF JUDGE DEE D. DRELL  
UNITED STATES DISTRICT COURT**