

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

GARY S. COX, SR.,

PETITIONER

V.

NO. 1:05CV229-B-D

DEPARTMENT OF HUMAN SERVICES, ET AL,

RESPONDENTS

FINAL JUDGMENT

In accordance with the opinion issued this day, the instant cause is **dismissed** without prejudice and without evidentiary hearing for failure to exhaust available state remedies.

IT IS SO ORDERED.

THIS the 28th day of September, 2005.

/s/ Neal Biggers

SENIOR U.S. DISTRICT JUDGE