

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

**MARK D'WAYNE SUMRELL**

**PETITIONER**

**V.**

**NO. 4:08CV068-P-S**

**STATE OF MISSISSIPPI, et al.**

**RESPONDENTS**

**FINAL JUDGMENT**

In accordance with the memorandum opinion issued this day,

1. the April 9, 2009, memorandum opinion and final judgment (docket entries 14 and 15) are WITHDRAWN IN PART;
2. the April 9, 2009, opinion and final judgment are WITHDRAWN to the extent that habeas relief was granted;
3. the court is barred from reviewing Petitioner's due process claim;
4. Petitioner has failed to overcome the procedural bar;
5. this matter is CLOSED.

**IT IS SO ORDERED.**

THIS the 8<sup>th</sup> day of May, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE