## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN DIVISION

GARY CARL SIMMONS, JR.

**PETITIONER** 

VS.

CIVIL ACTION NO. 1:04CV496HSO

CHRISTOPHER B. EPPS, Commissioner, Mississippi Department of Corrections, LAWRENCE KELLY, Superintendent, Mississippi State Penitentiary and JIM HOOD, Attorney General of the State of Mississippi

RESPONDENTS

## **FINAL JUDGMENT**

This matter came on to be heard on Petitioner Gary Carl Simmons's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Court finds that in accord with its Memorandum Opinion and Order entered herewith,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, Gary Carl Simmons's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is hereby **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Judgment is hereby entered pursuant to Rule 58 of the Federal Rules of Civil Procedure. This case is hereby dismissed with prejudice.

**SO ORDERED AND ADJUDGED**, this the 26<sup>th</sup> day of September, 2008.

s Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN

UNITED STATES DISTRICT JUDGE