

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

**DANIEL WAYNE BYERS**

**PETITIONER**

**v.**

**CAUSE NO. 1:15CV395-LG-MTP**

**MARSHALL TURNER, Warden**

**RESPONDENT**

**JUDGMENT**

This matter having come on to be heard on the Report and Recommendation [14] entered by United States Magistrate Judge Michael T. Parker, the Court, after a full review and consideration for the Report and Recommendation, the pleadings on file, and the relevant legal authority, finds that in accord with the Order entered herewith,

**IT IS ORDERED AND ADJUDGED** that the Report and Recommendation [14] entered by United States Magistrate Judge Michael T. Parker is **REJECTED** to the extent that it addressed the unexhausted portions of Ground Three of the petition, which were subsequently removed from the petition at Byers' request. The Report and Recommendation [14] is **ADOPTED** as the opinion of this Court in all other respects. The petition is **DISMISSED WITH PREJUDICE**.

**SO ORDERED AND ADJUDGED** this the 16th day of September, 2017.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE