

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

BENNIE D. HERRING

PETITIONER

VS.

CIVIL ACTION NO. 5:07-CV-82-DCB-MTP

CONSTANCE REESE, Warden

RESPONDENT

JUDGMENT

This matter having come on to be heard on this date upon the Report and Recommendation of the United States Magistrate Judge entered in this cause, and the Court, after a full review of the record, having adopted said Report and Recommendation as the finding of this Court by Order dated this day, finds that Petitioner's Petition for a Writ of Habeas Corpus [1] should be dismissed without prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above captioned cause be, and the same is hereby, dismissed without prejudice.

SO ORDERED this the 29th day of June, 2009.

s/David Bramlette
UNITED STATES DISTRICT JUDGE