

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

CALVIN SMITH

PETITIONER

VS.

CIVIL ACTION NO. 5:08cv165DCB-MTP

UNKNOWN PEARSON

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 Calvin Smith's Petition for 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 17th day of December, 2009.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE