

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

**GARRIN DAVID SMITH, #11304-171
A/K/A GARRETT DON SMITH**

PETITIONER

VS.

CIVIL ACTION NO. 5:09-cv-24-DCB-MTP

BRUCE PEARSON, Warden

RESPONDENT

FINAL JUDGMENT

This cause is before the Court, *sua sponte*, for consideration of dismissal. Pursuant to the Memorandum Opinion issued this date and incorporated herein by reference, it is hereby,

ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed with prejudice as to the jurisdictional issue only, and without prejudice in all other respects.

SO ORDERED AND ADJUDGED, this the 4th day of August, 2009.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE