

Therefore, after a de novo review of the report and recommendation and the files and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioner be, and he is hereby, denied leave to proceed in forma pauperis; it is further

ADJUDGED that the petition herein for a writ of habeas corpus be, and it is hereby, dismissed without prejudice.

/s/ Greg Kays
GREG KAYS
United States District Judge

Date: November 3, 2009