

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

WILLIAM ROY ST. JOHN,)	
)	
Petitioner,)	
v.)	Civil Action
)	No. 10-3004-CV-S-RED-H
MARTY C. ANDERSON, Warden, United)	
States Medical Center for Federal Prisoners,)	
Respondent.)	

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition and has submitted to the undersigned a report and recommendation that the petition for writ of habeas corpus be dismissed without prejudice.

Petitioner has filed written exceptions to the report and recommendation of the Magistrate in which he reasserts the allegations of his original petition.

Having fully reviewed the record de novo, this Court agrees with the Magistrate that the petitioner has failed to fully exhaust administrative remedies.

Based on the file 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's exceptions filed herein should be, and they are hereby, OVERRULED. It is further

ORDERED that petitioner should 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 should be, and is hereby, dismissed without prejudice.

/s/ Richard E. Dorr _____

RICHARD E. DORR

United States District Judge

Date: June 2, 2010