

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOHNNY LEE WHITWORTH,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-08-1152-M
	)	
DAVID MILLER,	)	
	)	
Respondent.	)	

**ORDER**

On April 12, 2010, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the petition for a writ of habeas corpus be denied. Petitioner was advised of his right to object to the Report and Recommendation by May 3, 2010. A review of the file reveals no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on April 12, 2010;
- (2) DENIES the Petition for a Writ of Habeas Corpus, and
- (3) ORDERS that judgment in favor of respondent issue forthwith.

**IT IS SO ORDERED this 13th day of May, 2010.**

  
VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE