

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

ROGER SLOAN HANEY, )
Petitioner, )
vs. ) No. CIV-10-400-C
JUSTIN JONES, Director, )
Respondent. )

ORDER

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered his Report and Recommendation on May 25, 2010. The Court considers the matter de novo.

Judge Purcell recommended dismissal of the "mixed" petition, but suggested Petitioner could avoid dismissal by filing an amended petition omitting any unexhausted claims. On June 7, 2010, Petitioner filed his First Amended Petition, which does appear to omit the unexhausted claim.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted, in its entirety, the First Amended Petition is accepted, and the matter shall be again referred to Judge Purcell consistent with the original Order of Referral.

IT IS SO ORDERED this 16th day of June, 2010.

Handwritten signature of Robin J. Cauthron
ROBIN J. CAUTHRON
United States District Judge