

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

SELVIN HIBBERT,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-10-1065-M
	)	
MARVIN VAUGHN, Warden,	)	
	)	
Respondent.	)	

**ORDER**

On November 4, 2010, United States Magistrate Judge Doyle W. Argo 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 be dismissed without prejudice due to Petitioner’s failure to exhaust his available state court remedies. Petitioner was advised of his right to object to the Report and Recommendation by November 24, 2010, and review of the court file in this case reveals that petitioner has not filed an objection.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on November 4, 2010; and
- (2) DISMISSES the petition for writ of habeas corpus without prejudice.

**IT IS SO ORDERED this 9<sup>th</sup> day of December, 2010.**

  
 VICKI MILES-LAGRANGE  
 CHIEF UNITED STATES DISTRICT JUDGE