

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

ANDRE PRESTON

VERSUS

DARRYL VANNOY

CIVIL ACTION

NO. 16-13042


SECTION "F"(4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the objections to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter.¹ Therefore,

IT IS ORDERED that Andre Preston's petition for issuance of a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DENIED** and **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 19th day of April 2017.



MARTIN L.C. FELDMAN
UNITED STATES DISTRICT JUDGE

¹ The Court corrects an immaterial error on page 25 of the magistrate judge's Report & Recommendation: State v. Weatherspoon is twice referenced as a Louisiana Supreme Court decision, but it is, in fact, a Louisiana appellate court decision. 948 So. 2d 215 (La. App. 5 Cir. 2006).