

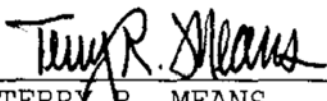
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

BARTON RAY GAINES,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 4:06-CV-409-Y
	§	
NATHANIEL QUARTERMAN,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

FINAL JUDGMENT

In accordance with the order issued this same day, and Federal Rule of Civil Procedure 58, Barton Ray Gaines's petition for writ of habeas corpus under 28 U.S.C. § 254 is DISMISSED WITHOUT PREJUDICE, except as to any application of the federal statute of limitations or other federal procedural bar that may apply.<sup>1</sup> All costs of court are taxed against the party that incurred them.

SIGNED November 16, 2006.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>A one-year statute of limitations is now applicable to the filing of non-capital § 2254 habeas corpus petitions in federal court. See 28 U.S.C.A. § 2244(d)(1-4)(West Supp. 2006). The statute of limitations is tolled, however, while a properly filed application for state post-conviction or other collateral review is pending. 28 U.S.C.A. § 2244(d)(2)(West Supp. 2006).