

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**CHARLES JUSTIN SMITH,**

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**Petitioner,**

}

}

**v.**

}

**Case No.: 5:17-cv-0414-MHH-TMP**

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**SHERIFF OF MADISON COUNTY,**

}

}

**Respondent.**

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}

**MEMORANDUM OPINION**

This matter is before the Court on petitioner Charles Justin Smith’s request for relief from a number of state criminal charges. Mr. Smith challenges the state court proceedings relating to those charges, arguing, for example, that he was denied a preliminary hearing with respect to certain charges. Mr. Smith pursues relief pursuant to 28 U.S.C. § 2241. (Doc. 5).

The magistrate judge who is presiding over this case with the undersigned submitted a report in which he recommended that the Court dismiss Mr. Smith’s request for habeas relief because Mr. Smith did not exhaust his state court remedies before he sought relief in federal court and because under the circumstances of this case, under the *Younger* doctrine, this Court must abstain from ongoing criminal proceedings. (Doc. 32, pp. 7-8). The magistrate judge advised the parties of their right to object to the report within 14 days. (Doc. 17,

pp. 9-10). To date, Mr. Smith has not objected to the magistrate judge's report and recommendation.

A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

Having reviewed the record in this case, the Court finds no misstatements of law in the report and no plain error in the magistrate judge's analysis of the state court criminal proceedings involving Mr. Smith. Therefore, the Court adopts the magistrate judge's report and accepts his recommendation.

The Court will issue a separate dismissal order consistent with this memorandum opinion.

**DONE** this 13th day of November, 2018.

  

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**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE