

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
SOUTHERN DIVISION

HASHIM ASAAD-MUHAMMED)	
SHABAZZ,)	
)	
Petitioner,)	
v.)	CASE NO. 1:08-cv-584-TMH
)	WO
STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The petitioner's objection (Doc. #22) to the Recommendation of the Magistrate Judge filed on October 8, 2008 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #20) filed on September 24, 2008 is adopted;
3. The petition for habeas corpus relief is DENIED and the petition is DISMISSED without prejudice to afford petitioner an opportunity to exhaust all available state court remedies.

DONE this 30th day of October, 2008.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE