

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

DAVID LAMAR JOHNSON,)	
)	
Petitioner,)	
v.)	CASE NO. 1:08-cv-0696-TMH
)	
J. C. GILES, <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 to the Supplemental Report and Recommendation of the Magistrate Judge (Doc. #20) filed on December 5, 2008 is overruled;
- (2) The Report and Recommendation of the United States Magistrate Judge (Doc. #12) and Supplemental Report and Recommendation (Doc. #19) are adopted;
- (3) The petition for habeas corpus relief is DISMISSED without prejudice to afford the petitioner an opportunity to exhaust all available state court remedies.

DONE this the 19th day of December, 2008.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE