

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

| | | |
|---------------------------------------|---|----------------------------|
| MOSES CARTER, JR., #59721, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | CASE NO.: 1:08-cv-1005-MEF |
| |) | |
| THE ATTORNEY GENERAL OF |) | |
| THE STATE OF ALABAMA, <i>et al.</i> , |) | |
| |) | |
| Respondents. |) | |

ORDER

The Magistrate Judge entered a Recommendation (Doc. #15) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #15) of the Magistrate Judge is ADOPTED. The petition pursuant to 28 U.S.C. § 2254 is DISMISSED without prejudice to afford Petitioner an opportunity to exhaust all available state court remedies.

Done this the 6th day of April, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE