

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

DARRIEK DEWAYNE SMITH, #265 143	)	
	)	
Petitioner,	)	
	)	
v.	)	1:09-CV-909-TMH
	)	WO
CHERYL PRICE, WARDEN, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**ORDER**

On January 19, 2010, the Magistrate Judge filed a Recommendation (Doc. 13) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 13) of the Magistrate Judge is ADOPTED, and
2. The petition for habeas corpus relief be DISMISSED without prejudice to afford the petitioner an opportunity to exhaust all available state court remedies.

An appropriate judgment will be entered.

Done this 3rd day of March, 2010.

/s/ Truman M. Hobbs

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SENIOR UNITED STATES DISTRICT JUDGE