

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

WILLIAM HEYWARD, # 215441,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 1:10cv145-TMH
)	(WO)
STATE OF ALABAMA PAROLE)	
BOARD and TROY KING,)	
)	
Respondents.)	

OPINION and ORDER

On July 8, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 25). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, and for good cause, it is

ORDERED that as follows:

1. The Recommendation be and is hereby ADOPTED;
2. The petition be and is hereby DISMISSED with prejudice to the extent that Heyward challenges the constitutionality of his 1991 arson conviction as this court lacks jurisdiction to consider the petitioner’s claim for relief;
3. The petition be and is hereby DISMISSED without prejudice with respect to Heyward’s challenge to an alleged detainer lodged against him to afford the petitioner an opportunity to exhaust all available state court remedies.
4. The petitioner’s motion to dismiss be and is hereby GRANTED.

Done this the 16th day of September, 2010.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE