

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

TODD JOHNATHAN WHITEHEAD,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	2:14cv329-MHT
)	(WO)
LOUIS BOYD, et al.,)	
)	
Respondents.)	

OPINION

Pursuant to 28 U.S.C. § 2254, petitioner, a state inmate, filed this lawsuit seeking habeas relief. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that petitioner's writ petition be denied. Also before the court are petitioner's objections to the recommendation. His objections include a request that the court allow him to amend his petition to raise claims that he exhausted last year through a Rule 32 petition that he filed in state court after he filed the instant petition in federal court. Petitioner also submitted a purported

copy of a motion to amend that he claims he tried to file in this court last year, but which the court never received; the document has a certificate of service showing that it was mailed to this court and the Attorney General's Office on June 8, 2016.

After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted to the extent that the claims in the current petition should be denied. However, the court will keep the case open and refer the motion to amend back to the magistrate judge for consideration.

An appropriate judgment will be entered.

DONE, this the 24th day of February, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE