

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

DEWEY KYLE EASTERLING,)
#212210,)
)
Petitioner,)
)
v.)
)
GWENDOLYN MOSELY, et al.,)
)
Respondents.)

CIVIL ACTION NO. 2:04cv536-WHA

ORDER

In its order entered on September 13, 2004, the court intended to adopt the Recommendation of the Magistrate Judge entered on August 20, 2004. The Recommendation advised that the petitioner’s motion to dismiss (Doc. # 10) be denied, but the court’s aforementioned order inadvertently granted the motion. Accordingly, to correct the record, it is hereby ORDERED that:

1. The court’s order of September 13, 2004 is hereby VACATED.
2. Upon an independent evaluation of this matter, the court adopts the Recommendation of the Magistrate Judge.
3. The petitioner’s motion to dismiss is hereby DENIED.

DONE this 11th day of September, 2006.

/s/ W. Harold Albritton
W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE