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

ROBERT REX EDWARDS, #225984,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 2:06-CV-177-WKW
	)	
BILLY MITCHEM, *et al.*,	)	
	)	
Respondents.	)	

ORDER

Before the court are Mr. Robert Rex Edwards' Petition for Habeas Corpus (Doc. # 1) and the Report and Recommendation of the Magistrate Judge (Doc. # 46).

There being no objections filed to the Report and Recommendation of the Magistrate Judge, and upon an independent review of the file, it is ORDERED that the Report and Recommendation is adopted and that:

1. Defendant Edwards' Petition for Habeas Corpus (Doc. # 1) is DENIED.

2. This case is DISMISSED with prejudice pursuant to 42 U.S.C. § 1997e(c)(1) because Mr. Edwards is not entitled to relief on his claim of actual innocence and the remainder of his claims are procedurally defaulted.

An appropriate judgment will be entered.

DONE this 4th day of December, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE