

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

KENNETH E. MOFFITT, #152781,	)	
	)	
Petitioner,	)	
v.	)	CASE NO. 2:08-cv-434-TMH
	)	WO
ALABAMA BOARD OF PARDONS	)	
AND PAROLE, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The petitioner's objection (Doc. #22) to the Recommendation of the Magistrate Judge filed on September 12, 2008 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #21) filed on August 29, 2008 is adopted;
3. The petition for habeas corpus relief is DENIED and that the petition is DISMISSED without prejudice to afford Moffitt an opportunity to exhaust all available state court remedies.

DONE this 29th day of October, 2008.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE