

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

DALE JEROME McCANTS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 2:08cv783-TMH
	)	
LOUIS BOYD, WARDEN, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**ORDER**

The Magistrate Judge filed a Recommendation (Doc. #12) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #12) of the Magistrate Judge is ADOPTED. The petition pursuant to 28 U.S.C. § 2254 is DISMISSED without prejudice to allow Petitioner to complete exhaustion of available state remedies. An appropriate judgment will be entered.

Done this 30th day of December, 2008.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE