

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

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|-----------------------------------|---|-----------------|
| DAVID ANDREW RILEY, AIS #247928, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 2:09-CV-289-TMH |
| |) | WO |
| STATE OF ALABAMA, <i>et al.</i> , |) | |
| |) | |
| Respondents. |) | |

ORDER

On September 30, 2009, the Magistrate Judge filed a Recommendation (Doc. 27) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 27) of the Magistrate Judge is ADOPTED;
2. The petition for habeas corpus relief be DENIED; and
3. This case be DISMISSED without prejudice to afford the petitioner an opportunity to exhaust all available state court remedies.

An appropriate judgment will be entered.

Done this 22nd day of October, 2009.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE