

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

ARTHUR BRENNAN MALLOY,

Petitioner,

v.

DAVID WISE, *et al.*,

Respondents.

)
)
)
)
)
)
)
)
)
)
)

CASE NO. 2:09-cv-964-TMH
WO

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. #34) to the Recommendation of the Magistrate Judge filed on March 17, 2010 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #33) filed on March 5, 2010 is adopted;
3. That the petition for habeas corpus relief is DENIED and the petition is DISMISSED without prejudice to afford petitioner an opportunity to exhaust all state court remedies available to him.

DONE this the 18th day of March, 2010.

Truman M. Hobbs
TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE

SCANNED