

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

JOSEPH B. HOOKS,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	CASE NO. 2:10-CV-268-WKW
KIM T. THOMAS,	)	
Commissioner, Alabama	)	
Department of Corrections,	)	
	)	
Respondent.	)	
	)	

**ORDER**

Before the court are the Recommendation of the Magistrate Judge (Doc. # 44) and Petitioner Joseph B. Hooks’s Objections (Doc. # 50). The Magistrate Judge recommends the denial of Mr. Hooks’s Motion for Discovery (Doc. # 29), in which Mr. Hooks requests permission to obtain modern brain imaging at his own expense to prove his frontal lobe dysfunction and his claim that the Eighth Amendment’s prohibition of cruel and unusual punishment bars his execution because he suffered from a frontal lobe dysfunction of his brain at the time he committed the murders for which he was convicted and sentenced to death. The court, having independently reviewed the file in this case and conducted a *de novo* review, *see* 28 U.S.C. § 636(b)(1), it is ORDERED as follows:

1. Mr. Hooks's Objections (Doc. # 50) are OVERRULED.
2. The Recommendation (Doc. # 44) is ADOPTED.
3. Mr. Hooks's Motion for Discovery (Doc. # 29) is DENIED.

An opinion will follow by separate filing.

DONE this 30th day of September, 2011.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE