

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

JAMES CALVIN FRAZIER, #177281,)	
)	
Petitioner,)	
v.)	CASE NO. 2:10-cv-0707-TMH
)	WO
J. C. GILES, <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. #14) to the Recommendation of the Magistrate Judge filed on November 4, 2010 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #13) filed on October 26, 2010 is adopted;
3. The 28 U.S.C. § 2254 petition for habeas corpus relief is DISMISSED without prejudice because Frazier has failed to properly exhaust his state court remedies.

DONE this the 15th day of December, 2010.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE