

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

ROY LEE MCATEER, # 147346,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:11cv57-WHA
)	
J. C. GILES, et al.,)	
)	
Respondents.)	

ORDER AND OPINION

On May 3, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 28). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The motion to dismiss filed by the petitioner is GRANTED.
2. The petition for habeas corpus relief is DENIED.
3. The petition is DISMISSED without prejudice to afford the petitioner an opportunity to exhaust all available state court remedies.

Done this the 24th day of May, 2011.

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE