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

ARTHUR BRENNAN MALLOY, 101329,	)	
	)	
Petitioner,	)	
v.	)	CASE NO. 2:12-cv-183-TMH
	)	WO
CARTER F. DAVENPORT, *et al.*,	)	
	)	
Respondents.	)	

O R D E R

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The petitioner's objection (Doc. #6) to the Recommendation of the Magistrate Judge filed on April 3, 2012 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #5) filed on March 20, 2012 and is adopted;

3. That the petition for habeas corpus relief filed by Mallory is DENIED and this case is DISMISSED without prejudice to allow petitioner to complete his appeal in *Mallory v. Wise, et al.*, Civil Action No. 09-cv-964-TMH.

DONE this the 5th day of April, 2012.

/s/ Truman M. Hobbs
SENIOR UNITED STATES DISTRICT JUDGE

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