

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

ARTHUR BRENNAN MALLOY,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACT. NO. 2:12cv496-TMH
)	(WO)
CARTER F. DAVENPORT, <i>et al.</i> ,)	
)	
Respondents.)	

OPINION and ORDER

On April 3, 2013, the Magistrate Judge filed a Recommendation in this case recommending that the petition of habeas corpus relief filed pursuant to 28 U.S.C. § 2254 be dismissed without prejudice. (Doc. # 42). 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, that the petition for habeas corpus relief be and is hereby DENIED, and that this case be and is hereby DISMISSED without prejudice to afford the petitioner an opportunity to exhaust all available state court remedies.

An appropriate judgment will be entered.

DONE this 17th day of May, 2013.

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