

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

ANTHONY McCLAIN, #276132,	)	
	)	
Petitioner,	)	
	)	
vs.	)	CASE NO 2:13-cv-723-WHA
	)	
CLARA JONES, et al.,	)	(WO)
	)	
Respondents.	)	

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #17), entered on March 23, 2016, and the Petitioner’s “Motion to Dismiss Without Prejudice” (Doc. #18), which the court interprets as a limited objection to the Recommendation. The court has conducted an independent evaluation and *de novo* review of the matter.

The Magistrate Judge recommends that this habeas corpus petition be denied and the case dismissed with prejudice. The Petitioner agrees with the Magistrate Judge’s conclusion that his claims are procedurally defaulted and requests that the court “adhere to the Magistrate Judge’s denial of this case . . . .” He then requests that the case be dismissed without prejudice. The court agrees, however, with the Magistrate Judge that the dismissal should be with prejudice. Therefore, to the extent that the Petitioner’s motion is considered as an objection, the motion and objection are OVERRULED.

The court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby ORDERED that the petition for writ of habeas corpus under 28 U.S.C. 2254 is DENIED, and this case is DISMISSED with prejudice.

DONE this 20th day of April, 2016.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR U. S. DISTRICT JUDGE