

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

HEATH HUMPHREY,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 2:13cv769-TMH
	)	
SHERIFF JAMES W. JOHNSON,	)	
	)	
Respondents.	)	

**ORDER AND OPINION**

On December 3, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 5). 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 petition for habeas corpus relief is DENIED.
2. The petition is DISMISSED without prejudice to allow the petitioner an opportunity to exhaust available state court remedies.

Done this the 14th day of January, 2014.

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