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

DAVID RICHARD SIMS,	)	
	)	
Petitioner,	)	
v.	)	CASE NO. 3:10-cv-0757-TMH
	)	
J. C. GILES, *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 to the Magistrate Judge Recommendation (Doc. #11) filed on January 3, 2011 is overruled;

(2) The Recommendation of the United States Magistrate Judge (Doc. #10) entered on December 22, 2010 is adopted;

(3) The petition for habeas corpus relief is DISMISSED without prejudice to afford Sims an opportunity to exhaust all state court remedies available to him.

DONE this the 26th day of January, 2011.

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

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