Sunday v. Mitchem et al (INMATE1) Doc. 7

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

TIMOTHY LEE SUNDAY, AIS # 213453,	)	
Petitioner,	)	
v.	)	CIVIL ACT. NO. 3:11cv544-MEF
BILLY MITCHEM, *et al.*,	)	
Respondents.	)	

ORDER

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

1. The petitioner's objections (Doc. #5) to the Recommendation of the Magistrate Judge filed on July 25, 2011 are overruled;

2. The Recommendation of the Magistrate Judge (Doc. #4) entered on July 13, 2011 is adopted;

3. The petition for habeas corpus relief be and is hereby denied;

4. This case be and is hereby dismissed in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A);

5. Costs be and are hereby TAXED against the petitioner.

DONE this the 6th day of October, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE

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