

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

|                                |   |                           |
|--------------------------------|---|---------------------------|
| EARNEST REESE, #157837,        | ) |                           |
|                                | ) |                           |
| Petitioner,                    | ) |                           |
| v.                             | ) | CASE NO. 3:11-cv-0955-TMH |
|                                | ) | WO                        |
| KENNETH JONES, <i>et al.</i> , | ) |                           |
|                                | ) |                           |
| Respondents.                   | ) |                           |

**ORDER**

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

1. The petitioner's objection (Doc. #27) filed on March 12, 2013 to the Recommendation of the Magistrate Judge is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #26) filed on March 6, 2013 is adopted;
3. The 28 U.S.C. § 2254 petition for a writ of habeas corpus is DISMISSED without prejudice to afford Reese an opportunity to exhaust all state court remedies available to him.

DONE this the 28th day of March, 2013.

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