

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

|                               |   |                         |
|-------------------------------|---|-------------------------|
| DANIEL ADAM SUMMERS, #259031, | ) |                         |
|                               | ) |                         |
| Petitioner,                   | ) |                         |
|                               | ) |                         |
| vs.                           | ) | CASE NO. 3:12cv-686-TMH |
|                               | ) |                         |
| WILLIE THOMAS, et al.,        | ) |                         |
|                               | ) |                         |
| Respondents.                  | ) |                         |

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #43), entered on January 27, 2014, together with the Respondents’ Objections (Doc. #46), filed on February 21, 2014.

Following an independent evaluation and *de novo* review of the file in this case, the court finds the objections to be without merit, and they are hereby OVERRULED. The court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. The petition for habeas corpus relief is DENIED.
2. The petition is DISMISSED without prejudice to afford the Petitioner an opportunity to exhaust all available state court remedies.

DONE this 5th day of March, 2014.

/s/ W. Harold Albritton  
UNITED STATES DISTRICT JUDGE