

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

RUDOLPH POLSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 3:13cv366-WHA
	)	(WO)
STATE OF ALABAMA, SCOTT	)	
HASSELL, LUTHER STRANGE, &	)	
TODD ENTREKIN,	)	
	)	
Respondents.	)	

**Order**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. # 32), entered on September 8, 2016, and the Respondents' Objections (Doc. # 35), filed on September 27, 2016. The court has conducted an independent evaluation and de novo review of the file and finds the Objections to be without merit.

The Magistrate Judge recommended that this petition for habeas corpus be dismissed for want of jurisdiction because the Petitioner was not "in custody" on the state court conviction he challenges at the time he filed the petition. The Petitioner contends that he was, in fact, in custody at the time because of an order for him to appear regarding restitution. The court agrees with the Magistrate Judge, for the reasons explained in his Recommendation, that restraint does not amount to the Petitioner being "in custody pursuant to the judgment of a State court."

Therefore, it is hereby Ordered as follows:

1. Petitioner's objections are Overruled.
2. The court adopts the Recommendation of the Magistrate Judge.
3. This case is Dismissed for want of jurisdiction.

Done this 29th day of September, 2016.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE