

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

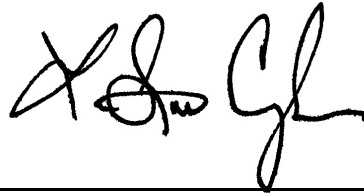
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|----------------------------------|---|-------------------------------|
| STEPHEN G. BURKE |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 1:11-cv-1437-LSC-PWG |
| |) | |
| JOHN T. RATHMAN, Warden; et al., |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM OPINION

The magistrate judge filed a findings and recommendation on December 19, 2013 (Doc. # 15), recommending that the petition for writ of habeas corpus be DENIED and DISMISSED WITH PREJUDICE. On January 6, 2013, petitioner, Stephen G. Burke (“Petitioner”), filed a pleading styled as “Response to Findings and Recommendation.” (Doc. # 16). The court will treat such filing as objections to the magistrate judge’s report and recommendation or, in the alternative, as a motion. Simply put, all of the objections raised by Petitioner were considered and rejected in the report and recommendation, and are due to be OVERRULED.

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge’s findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. To the extent that the petitioner’s filing of January 6, 2013 (Doc. # 6), is construed as interposing objections to the report and recommendation, such objections are due to be and hereby are OVERRULED. To the extent that the petitioner filing (Doc. # 6) is construed as a motion, it is due to be and hereby is DENIED. Accordingly, the petition for writ of habeas corpus is due to be DENIED and DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

As to the foregoing it is SO ORDERED this the 9th day of January, 2014.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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