

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

MARK ANTHONY WILLIAMS,)	
)	
Petitioner,)	
)	Case No.
v.)	1:15-cv-01163-MHH-JEO
)	
LARRY AMERSON, Sheriff,)	
)	
Respondent.)	

MEMORANDUM OPINION

Mark Anthony Williams filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). On July 16, 2015, Chief Magistrate Judge John Ott entered a report and recommendation concerning Mr. Williams’s petition. (Doc. 4). In his report, Judge Ott recommended that the Court dismiss this action without prejudice because Mr. Williams has not exhausted the remedies available under state law. (Doc. 4). Mr. Williams objected to Judge Ott’s report and recommendation but did not address Judge Ott’s finding that Mr. Williams has not exhausted his state remedies. (Doc. 5).

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When a party makes timely objections to a report and recommendation, the district court

“make[s] a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*

The Court has reviewed the record and Judge Ott’s report and recommendation and has reached an independent conclusion that Mr. Williams has not exhausted the remedies available to him under state law. Therefore, the Court ADOPTS Chief Magistrate Judge Ott’s July 16, 2015 report and ACCEPTS Judge Ott’s recommendation that the Court dismiss this action without prejudice. The Court will enter a separate order consistent with this memorandum opinion.

DONE and ENTERED this 7th day of August, 2015.



MADELINE HUGHES HAIKALA
U.S. DISTRICT JUDGE