

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

JUSTIN W. WARD,)	
)	
Petitioner,)	
)	
v.)	Case No.: 1:19-cv-02019-LSC-JHE
)	
JIMMY KILGORE,)	
)	
Respondent.)	

MEMORANDUM OPINION

On January 22, 2020, the magistrate judge entered a Report and Recommendation, (doc. 3), recommending that the petition for writ of habeas corpus be dismissed without prejudice due to the petitioner’s failure to prosecute. No objections have been filed.¹ The court has considered the entire file in this action, together with the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of this court. The petition for writ of habeas corpus is due to be DISMISSED. A separate Order will be entered.

¹ The report and recommendation was returned to the court marked undeliverable. (Doc. 4). However, the notice of deficient pleading informing the petitioner of his obligation to pay the filing fee for this action or move for leave to proceed *in forma pauperis*, (doc. 2), was not returned to the court. That notice clearly states that “If Petitioner fails to correct the deficient pleading in compliance with this notice within thirty (30) days from the entry date of this notice, the court will dismiss this case for want of prosecution. Fed. R. Civ. P. 41(b).” (Doc. 2). Accordingly, even if the petitioner did not receive the report and recommendation, he was nevertheless on notice that his failure to comply with the notice of deficient pleading would result in the dismissal of his petition.

DONE AND ORDERED ON FEBRUARY 18, 2020.

A handwritten signature in black ink, appearing to read "L. Scott Coogler", written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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