

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

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|-----------------------|---|---------------------------------------|
| RORY SCALES, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 1:20-cv-01142-LCB-SGC |
| |) | |
| JIMMY KILGORE, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM OPINION

Petitioner Rory Scales, proceeding pro se, filed this action for writ of habeas corpus on August 7, 2020. (Doc. 1). Scales challenges his three domestic violence convictions and resulting sentences from the Circuit Court of Talladega County, Alabama. (Docs. 1, 5, 14). On April 13, 2021, United States Magistrate Judge Staci G. Cornelius entered a Report and Recommendation pursuant to 28 U.S.C. § 636(b), recommending that the habeas petition be dismissed without prejudice to allow the petitioner to exhaust his state law remedies. (Doc. 14). Although the petitioner was notified of his right to file objections within fourteen (14) days, no objections have been filed with the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Magistrate Judge’s Report and Recommendation, the Court

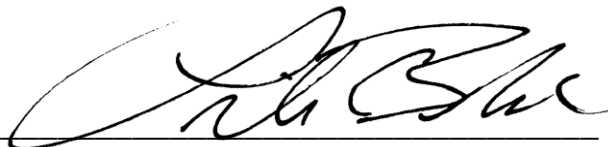
concludes that the Magistrate Judge's findings are due to be and are hereby **ADOPTED** and the recommendation is **ACCEPTED**.

Accordingly, the petition for writ of habeas corpus is due to be **DISMISSED WITHOUT PREJUDICE**. Further, because the petition does not present issues that are debatable among jurists of reason, a certificate of appealability is due to be **DENIED**. See 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), *Rules Governing § 2254 Proceedings*.

A separate Final Judgment will be entered.

The Clerk of Court is **DIRECTED** to close the case.

DONE and **ORDERED** May 7, 2021.

A handwritten signature in black ink, appearing to read "Liles C. Burke", written over a horizontal line.

LILES C. BURKE
UNITED STATES DISTRICT JUDGE