

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

<b>DWIGHT ANDRE THOMAS, JR.,</b>	)	
	)	
<b>Movant/Defendant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 2:11-cv-8019-RDP-JEO</b>
	)	<b>2:09-cr-0277-RDP-JEO</b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

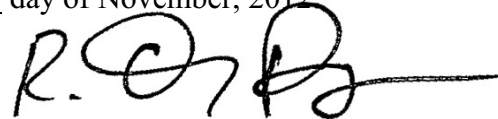
This case is before the court on the Government’s Motion to Dismiss Defendant’s Motion Under Title 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence. (Doc. #6). On November 6, 2012, the Magistrate Judge entered a Report and Recommendation (Doc. #8) recommending that Respondent’s motion to dismiss be denied. (*Id.*) Objections to the Report and Recommendation were due by November 20, 2012. (*Id.* at 8). However, no objections have been filed.

Having now carefully reviewed and considered *de novo* all of the materials in the court file,<sup>1</sup> including the Report and Recommendation, the court is of the opinion that the Report is due to be, and hereby is, **ADOPTED**, and the Recommendation is **ACCEPTED**. In accordance with the Recommendation, the Government’s Motion to Dismiss Defendant’s Motion Under Title 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence (Doc. #6) is hereby **DENIED WITHOUT PREJUDICE** to refiling.

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<sup>1</sup> The court notes that it was not required to conduct an independent review of the report and recommendation in this case because no party has filed objections. Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”). Nonetheless, the court has reviewed the magistrate’s report and agrees with his conclusions.

**DONE and ORDERED** this 28th day of November, 2012

A handwritten signature in black ink, appearing to read "R. David Proctor", written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE