

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

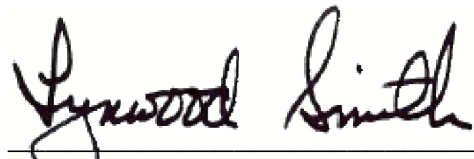
<b>DONALD JOE BARBER,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No: 2:12-cv-2305-CLS-PWG</b>
	)	
<b>THE STATE OF ALABAMA</b>	)	
<b>and MIKE HALE,</b>	)	
	)	
<b>Respondents.</b>	)	

**MEMORANDUM OPINION AND ORDER**

This case is before the court on the petition for a writ of habeas corpus case filed by Donald Joe Barber (doc. no. 1). On July 13, 2012, the magistrate judge entered a report recommending that the action is due to be dismissed without prejudice (doc. no. 7). No objections have been filed.

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 they hereby are, ADOPTED, and the recommendation is ACCEPTED. Accordingly, the petition for writ of habeas corpus is due to be DISMISSED without prejudice.

DONE and ORDERED this 22nd day of August, 2012.

  
 \_\_\_\_\_  
 United States District Judge