

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

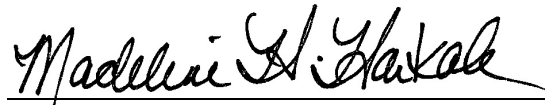
JOHNNY RAY ROBERTS,	)	
	)	
Petitioner,	)	
	)	
v.	)	2:13-cv-1819-MHH-JEO
	)	
CAROLYN BOOTHE, ADMINISTRATOR OF	)	
THE ESTATE OF RUSSELL K. ADAMS,	)	
SHELBY COUNTY, ALABAMA,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION**

This is a habeas corpus case. Petitioner Johnny Ray Roberts originally filed his petition in the United States District Court for the Middle District of Alabama. Mr. Roberts, an Alabama state prisoner acting *pro se*, relies on the general habeas statute, 28 U.S.C. § 2241. The action was transferred to this court pursuant to 28 U.S.C. § 2241(d). On October 18, 2013, the magistrate judge entered a report in which he recommended that the Court dismiss the action without prejudice for lack of jurisdiction. (Doc. 22). Petitioner timely filed objections to the report and recommendation. (Doc. 23).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge’s report and recommendation and Mr. Roberts’s objections to the report and recommendation, the Court **ADOPTS** the magistrate judge’s report and **ACCEPTS** his recommendation. The Court overrules Mr. Roberts’s objections to the report. The magistrate judge’s report adequately addresses Mr. Roberts’s arguments. Accordingly, this action is due to be **DISMISSED WITHOUT PREJUDICE**, for lack of jurisdiction. A separate final judgment will be entered.

**DONE and ORDERED** this 29th day of October, 2013.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive style with a horizontal line extending from the end of the name.

MADELINE HUGHES HAIKALA  
U.S. MAGISTRATE JUDGE