

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

TERRY LAMONT MARRIE,)
)
 Petitioner,)
)
 v.)
)
 WARDEN BOYD and the)
 ATTORNEY GENERAL OF)
 THE STATE OF ALABAMA,)
)
 Respondents.)

Civil Action Number:
4:12-cv-1137-JHH-PWG

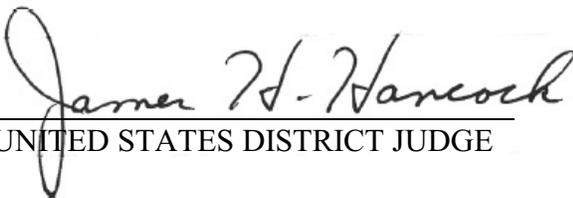
MEMORANDUM OPINION

This is a habeas corpus case filed pursuant to 28 U.S.C. § 2254. It is brought by Terry Lamont Marrie, an Alabama state prisoner acting *pro se*. On July 17, 2012, the magistrate judge entered findings and a recommendation that Marrie’s motion to voluntarily dismiss (Doc. 8) is due to be granted and that Marrie’s habeas petition is due to be dismissed without prejudice. (Doc. 9). Marrie has now filed an objection to the magistrate’s findings. (Doc. 11). In his objections, Marrie states that he is in agreement with that portion of the magistrate’s report that recommends the dismissal of his claims for habeas relief without prejudice but that he “formally objects to the portion that is dismissed *with* prejudice.” (Doc. 11 at 1 (emphasis original)). More specifically, Marrie explains that the magistrate judge has misapprehended what claims he is asserting and the sequence of events underlying such claims. As a result, Marrie argues, none of his claims should be dismissed with prejudice.

Regardless of any such alleged misunderstandings, however, it is clear from the magistrate judge’s report that he has not recommended that any of Marrie’s claims be dismissed with prejudice. Rather, the

magistrate judge has recommended that Marrie's motion to voluntarily dismiss is due to be granted to allow him to exhaust available state remedies on whatever claims he is asserting and that the action is due to be dismissed without prejudice in its entirety. Accordingly, Marrie's objection is MOOT. 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 are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, Marrie's motion to voluntarily dismiss (Doc. 8) is due to be GRANTED, and his petition for writ of habeas corpus is due to be DISMISSED WITHOUT PREJUDICE. A separate Final Judgment will be entered.

DONE this the 1st day of August, 2012.



SENIOR UNITED STATES DISTRICT JUDGE