

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


|                               |   |                                       |
|-------------------------------|---|---------------------------------------|
| <b>DAVID LEROY COX, JR.,</b>  | ) |                                       |
|                               | ) |                                       |
| <b>Petitioner,</b>            | ) |                                       |
|                               | ) |                                       |
| <b>v.</b>                     | ) | <b>Case No. 4:23-cv-01321-RDP-HNJ</b> |
|                               | ) |                                       |
| <b>WARDEN GEORGE EDWARDS,</b> | ) |                                       |
|                               | ) |                                       |
| <b>Respondent.</b>            | ) |                                       |

**MEMORANDUM OPINION**

The Magistrate Judge entered a Report and Recommendation (Doc. 10) on May 6, 2024, recommending the court deny Petitioner David Leroy Cox Jr.’s *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) and dismiss his claims without prejudice to allow Petitioner an opportunity to properly exhaust his claims in state court. No objections have been filed.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court **ADOPTS** the Report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court finds Petitioner’s *pro se* § 2254 habeas petition (Doc. 1) is due to be denied, and his claims are due to be dismissed without prejudice to allow Petitioner an opportunity to properly exhaust his claims in state court. A final judgment will be entered.

**DONE** and **ORDERED** this June 6, 2024.

  
 \_\_\_\_\_  
**R. DAVID PROCTOR**  
 CHIEF U.S. DISTRICT JUDGE