

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

TOMMY BASS, )  
 )  
 Petitioner )  
 )  
 v. )  
 )  
 GARY HETZEL, Warden, and )  
 THE ATTORNEY GENERAL OF )  
 THE STATE OF ALABAMA, )  
 )  
 Respondents )

Case No. 5:12-cv-02080-IPJ-HGD

**DISMISSAL ORDER**

On June 11, 2012, the magistrate judge’s report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. On June 13, 2012, petitioner filed objections to the magistrate judge’s report and recommendation.

After careful consideration of the record in this case, the magistrate judge’s report and recommendation and the petitioner’s objections thereto, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge and it is, therefore,

ORDERED, ADJUDGED and DECREED that the petition for writ of habeas corpus in this action be and the same hereby is DISMISSED WITHOUT PREJUDICE to allow petitioner to pursue state court remedies. In the alternative, it is ORDERED, ADJUDGED and DECREED that the petition for writ of habeas corpus in this action is due to be and hereby is DISMISSED for failure to comply with 28 U.S.C. § 2244(b)(3)(A).

DONE this 26<sup>th</sup> day of June, 2012.

A handwritten signature in cursive script, reading "Inge Prytz Johnson".

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INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE