

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

CARL MICHAEL SEIBERT,)
)
Petitioner,)
)
v.) Case No.: 5:17-cv-00918-MHH-
)
) JHE
SHERIFF BLAKE DORNING, et al.,)
)
)
Respondents.)

MEMORANDUM OPINION

On September 29, 2017, the magistrate judge entered a report in which he recommended that the Court dismiss without prejudice petitioner Carl Michael Seibert's petition for writ of habeas corpus because Mr. Seibert did not adequately exhaust his state court remedies for purposes of federal habeas review. (Doc. 9, p. 5). The magistrate judge advised the parties of their right to file specific written objections to the report and recommendation within 14 days. (Doc. 9, pp. 5-6). To date, no party has filed objections to the report and recommendation.

A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d

776, 779 n.9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).¹

Having reviewed the habeas petition (Doc. 1) and the magistrate judge's report and recommendation (Doc. 9), the Court finds no misstatements of law in the report and no plain error in the magistrate judge's description of the relevant state court proceedings. Therefore, the Court adopts the magistrate judge's report and accepts his recommendation that the Court dismiss Mr. Seibert's habeas petition without prejudice.

The Court will enter a separate final order consistent with this memorandum opinion.

DONE and **ORDERED** this October 25, 2017.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE

¹ When a party objects to a report in which a magistrate judge recommends dismissal of the action, a district court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. §§ 636(b)(1)(B)-(C).