

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

LEON McCALL,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 5:18-cv-00963-VEH-HNJ
	)	
MONROE, ALABAMA,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

The magistrate judge filed a report and recommendation on July 5, 2018, recommending the petition for *habeas corpus* relief, filed by Leon McCall under 28 U.S.C. § 2241, be construed as a petition for relief under 28 U.S.C. § 2254 and dismissed. (Doc. 3). No objections to the report and recommendation have been filed. Having now carefully considered *de novo* all of the material in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge’s report is due to be **ADOPTED** and the recommendation **ACCEPTED**.

It is therefore **ORDERED** that the petition for *habeas corpus* relief pursuant to 28 U.S.C. § 2254 in the above-styled cause be and hereby is **DISMISSED WITHOUT PREJUDICE**. The petitioner’s motion to proceed *in forma pauperis* is **DENIED** as **MOOT**.

**DONE** this 9th day of August, 2018.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written in a cursive style.

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**VIRGINIA EMERSON HOPKINS**

United States District Judge