

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

JOHN DEWAYNE SMITH,)
)
Petitioner,)
)
v.)
)
ALABAMA DEPARTMENT)
OF CORRECTIONS,)
)
Respondent.)

Case No. 7:14-cv-716-KOB-TMP

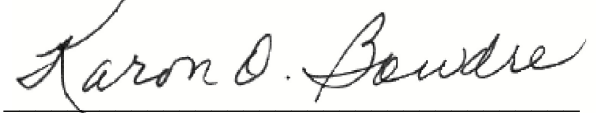
MEMORANDUM OPINION

The magistrate judge filed his report and recommendation on July 17, 2015, recommending dismissal of petitioner's 28 U.S.C. § 2241 petition for *habeas corpus* relief. (Doc. 24). No party filed any objections.

Having now carefully considered *de novo* all the materials in the court file, including the report and recommendation, the court ADOPTS the magistrate judge's report and ACCEPTS his recommendation. The court finds that the habeas petition is due to be DISMISSED WITH PREJUDICE because his alleged claims are not cognizable under § 2241 because he fails to raise any issue relating to personal liberty, or, in the alternative, because the petitioner failed to exhaust his state remedies as required by 28 U.S.C. § 2254 (b)(1)(A) and (c).

The court will enter a Final Order in conformity with this Memorandum Opinion.

DONE and ORDERED this 28th day of September, 2015.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE