

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MARIO MIMS,

Petitioner,

vs.

JERRY FERRELL,

Respondent.

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CIVIL ACTION 06-00574-CG-B

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that this action be and is hereby dismissed as **MOOT**.

DONE and ORDERED this 27th day of August 2009.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE