

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

WENDELL JOE BARKER, :

Petitioner, :

vs. : **CIVIL ACTION 07-0741-CG-B**

STEVE ARTHUR, :

Respondent. :

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** without prejudice pursuant to 28 U.S.C. § 2241 to allow petitioner the opportunity to fully exhaust his state court remedies.

DONE and ORDERED this 19th day of March, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE