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

MARIO MIMS,	:	
	:	
Petitioner,	:	
	:	
vs.	:	**CIVIL ACTION 07-0790-CG-B**
	:	
WARDEN JERRY FERRELL, et al.,	:	
	:	
Respondents.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues 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 for petitioner's failure to exhaust his available state remedies.

DONE and ORDERED this 8th day of October, 2009.

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

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