

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

JAMES O. JENKINS, :

Petitioner, :

vs. : **CIVIL ACTION 08-00356-CG-B**

GRANTT CULLIVER, :

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** due to Petitioner's failure to comply with 28 U.S.C. § 2244(b)(3)(A).

DONE and ORDERED this 3rd day of June, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE