

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

ROY L. CLARK,	:	
Petitioner,	:	
vs.	:	CIVIL ACTION 08-00657-KD-B
LOUIS BOYD,	:	
Respondent.	:	

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 dated July 28, 2009 and 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 so that Petitioner may pursue unexhausted state remedies.

DONE and ORDERED this the **21st** day of **September 2009**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE