

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

**PHILLIP RAY RICE,**  
**Petitioner,**

**v.**

**LEON FORNISS, et al.,**

**Respondents.**

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**CIVIL ACTION 09-0037-CG-M**

**ORDER**

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the 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 habeas petition be **DENIED** and that this action be **DISMISSED**.

**DONE** this 6<sup>th</sup> day of July, 2009.

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