

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

JOE HENRY SCOTT, III,

Petitioner,

vs.

STATE OF ALABAMA,

Respondent.

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CIVIL ACTION 09-0455-CG-B

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, 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. Plaintiff's motion to dismiss is hereby **GRANTED**, and that this action is hereby **DISMISSED**. In addition plaintiff's other pending motions are hereby **DENIED** as **MOOT**.

DONE and ORDERED this 27th day of January, 2010.

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