

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

**THOMAS WESLEY SMITH,**            )  
**AIS 206280,**                        )  
    **Petitioner,**                    )  
  )  
**v.**                                        )  
  )  
**DAVID WISE,**                        )  
    **Defendant.**                     )

**CIVIL ACTION NO 10-00513-KD-C**

**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) and dated January 13, 2011, is **ADOPTED** as the opinion of this Court.

**DONE and ORDERED** this the **3<sup>rd</sup>** day of **February 2011**.

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