

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

PETER JAMES DUNKERLEY,	:	
	:	
Petitioner.	:	
	:	
vs.	:	CIVIL ACTION 11-171-CB-M
	:	
LUTHER STRANGE,	:	
	:	
Respondent.	:	

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 DISMISSED, without prejudice. It is further ORDERED that Petitioner is not entitled to a certificate of appealability and, therefore, not entitled to appeal *in forma pauperis*.

DONE this 31<sup>st</sup> day of October, 2011.

s/Charles R. Butler, Jr. \_\_\_\_\_  
CHARLES R. BUTLER, JR.  
SENIOR UNITED STATES DISTRICT JUDGE