

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

<p><b>ANDREW JAMES GASTON,</b></p> <p style="padding-left: 40px;"><b>Petitioner,</b></p> <p><b>vs.</b></p> <p><b>GARY HETZEL,</b></p> <p style="padding-left: 40px;"><b>Respondent.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Civil Action No. 12-0014-KD-B</b></p>
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**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 recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated February 28, 2012, is **ADOPTED** as the opinion of this Court.

Additionally, Gaston filed two substantively identical petitions: the first in this action and the second in *Gaston v. Hetzel*, Civil Action No. 12-0040-WS-N. Gaston paid the \$5.00 filing fee and filed a motion to proceed *in forma pauperis* in 12-0040-WS-N. Also, a service order has been entered and the return of service docketed. Therefore, Gaston's claims will be addressed in that action.

**DONE** this 22nd day of March, 2012.

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