

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

MARCUS TERRELL SMITH,	:	
	:	
Petitioner,	:	
	:	
vs.	:	CIVIL ACTION 12-0416-KD-M
	:	
CYNTHIA WHITE,	:	
	:	
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, 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**. It is further **ORDERED** that, should Petitioner file a certificate of appealability, it be **DENIED** as he is not entitled to appeal *in forma pauperis*.

DONE this 21st day of November, 2012.

s/ Kristi K. DuBose

KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE