

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

<b>CALVIN ALPHONSE LEE,</b>	:	
<b>Plaintiff,</b>	:	
<b>v.</b>	:	<b>CIVIL ACTION: 12-00479-KD-C</b>
<b>SAM COCHRAN, <i>et al</i>,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

After due and proper consideration of all pleadings in 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 August 8, 2012 is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the Petitioner's federal habeas corpus petition, filed pursuant to 28 U.S.C. § 2254 is **DISMISSED without prejudice** to allow the Petitioner the opportunity to exhaust his state remedies.

It is further **ORDERED** that the Petitioner is not entitled to a certificate of appealability and, therefore, he is not entitled to appeal *in forma pauperis*.

**DONE and ORDERED** this the **31<sup>st</sup>** day of **August 2012**.

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