

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

ANDREW JACKSON SMITH,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 12-0621-CG-M
)	
LEEPOSEY DANIELS,)	
)	
Defendant.)	

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 is **DENIED** as this Court does not have jurisdiction over it and that this action is **DISMISSED**. It is further **ORDERED** that any certificate of appealability filed by Petitioner be **DENIED** as he is not entitled to appeal in forma pauperis.

DONE and ORDERED this 4th day of March, 2013.

/s/ Callie V. S. Granade

UNITED STATES DISTRICT JUDGE