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

HAROLD FRANKLIN WALTERS, :

Petitioner, :

v. :

CIVIL ACTION 12-0728-WS-M

UNITED STATES OF AMERICA, :

Respondent. :

ORDER

After due and proper consideration of 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) is adopted as the opinion of this Court.

It is ORDERED that this petition be DENIED and that this action be 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 this 23rd day of August, 2013.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE

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