

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

<b>DAVID DWAYNE GATES,</b>	)	
Petitioner,	)	
	)	
v.	)	<b>CIVIL ACTION NO. 13-00305-KD-B</b>
	)	
<b>TREY OLIVER,</b>	)	
Respondent.	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 7) made under 28 U.S.C. § 636(b)(1)(B) and dated July 25, 2013, is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that this action be and is hereby **DISMISSED without prejudice**.

**DONE and ORDERED** this the **23<sup>rd</sup>** day of **August 2013**.

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