

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

**WAVERLY LINDSEY #166090,**  
**Petitioner,**

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**vs.**

**CIVIL ACTION 15-00149-KD-C**

**STATE OF ALABAMA,**  
**Respondent.**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issue 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 May 1, 2015 is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that this action is **DISMISSED without prejudice** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure due to Petitioner’s failure to prosecute this action and comply with this Court’s order dated March 19, 2015 (Doc. 2).

**DONE and ORDERED** this the **2<sup>nd</sup>** day of **June 2015**.

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