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

WILLIAM N. LUCY,	)	
Petitioner,	)	
	)	
v.	)	**CIVIL ACTION NO. 16-00470-CG-N**
	)	
STATE OF ALABAMA,	)	
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[1], the Report and Recommendation (Doc. 4) of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated November 14, 2016, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that that William H. Lucy's Petition for Writ of Mandamus (Doc. 1) is **DENIED**, that his motion to amend his petition (Doc. 3) is **DENIED** as futile, and that this mandamus action is **DISMISSED**. In accordance with Federal Rule of Civil Procedure 58, final judgment shall be entered by separate document.

DONE and **ORDERED** this the 8th day of December, 2016.

/s/ Callie V. S Granade
SENIOR UNITED STATES DISTRICT JUDGE

[1] Included within Plaintiff's objection is a motion for the Court to construe his Petition for Writ of Mandamus as a motion for summary judgment, but he does not specify on what cause of action he seeks summary judgment. He states that he realizes a mandamus is not appropriate, but that his petition should not be construed as a 2254 petition. Because there is nothing before the Court on which summary judgment could be granted, the motion is DENIED.

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