

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

MICHAEL RODRIQUEZ GARCIA,)	
AIS # 00302311)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 17-0214-CG-N
)	
KENNETH PETERS, Warden)	
Fountain Correctional Facility,)	
)	
Respondent.)	

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendations of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B)-(C), Rule 8(b) of the Rules Governing § 2254 Cases in the United States District Courts, and S.D. Ala. GenLR 72(a)(2)(R), and dated September 14, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Michael Rodriquez Garcia's operative petition for a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 6) is **DISMISSED without prejudice** for failure to exhaust state court remedies, and that Garcia is not entitled to a Certificate of Appealability pursuant to this final adverse order. The Court also certifies that any appeal by Garcia of the dismissal of the present habeas petition would be without merit and therefore not taken in good faith. Thus, Garcia is not entitled to proceed in forma pauperis on appeal.

Final judgment shall issue separately in accordance with this order and Federal Rule of Civil Procedure 58.

DONE and ORDERED this 6th day of October, 2017.

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