

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

JAMES FREDDIE DEMETRIUS, )  
AIS #311580, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
MARY COOK, Warden )  
 )  
Respondent. )

CIV. ACT. NO. 1:20-cv-136-TFM-N

JAMES FREDDIE DEMETRIUS, )  
AIS #311580, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
MARY COOK, )  
 )  
Respondent. )

CIV. ACT. NO. 1:20-cv-430-TFM-N

**MEMORANDUM OPINION AND ORDER**

On October 17, 2022, the Magistrate Judge entered a report and recommendation which recommends this consolidated habeas action be dismissed without prejudice as moot or alternatively pursuant to Rule 41(b) for failure to prosecute. *See* Doc. 18. No objections were filed.

Accordingly, 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 is **ADOPTED** and this action is **DISMISSED without prejudice**. The Court

also finds that Demetrius is not entitled to either a Certificate of Appealability or to appeal *in forma pauperis*.

Final judgment shall issue separately in accordance with this order and Fed. R. Civ. P. 58.

**DONE and ORDERED** this 16th day of November, 2022.

/s/Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE