

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

MICHAEL BENJAMIN PHILLIPS,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO.: 22-73-KD-MU
	)	
HOSS MACK, Sheriff,	)	
	)	
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 Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

Accordingly, this action is DISMISSED without prejudice as MOOT. Petitioner is not entitled to a Certificate of Appealability and is not entitled to proceed on appeal in *forma pauperis*.

**DONE** this 5th day of June 2024.

s/ Kristi K. DuBose  
UNITED STATES DISTRICT JUDGE