

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

JONATHAN C.	)	
WITHERSPOON,	)	
	)	
Petitioner,	)	
	)	CIVIL ACTION NO.
v.	)	07-00266-CB-M
	)	
JAMES H. DELOACH and	)	
STATE OF ALABAMA	)	
ATTORNEY GENERAL,	)	
	)	
Respondents.	)	

**ORDER**

Upon receipt of correspondence from the Petitioner, the Court has reviewed this habeas action and discovered that even though final judgment was entered on October 2, 2007, the Court failed to enter an order formally adopting the Magistrate Judge's Report and Recommendation. On August 30, 2007, the Magistrate Judge entered a Report and Recommendation recommending that this habeas petition be dismissed because Petitioner's claims either lacked merit or were procedurally defaulted. A copy of this order, along with instructions for filing objections, was mailed to the Petitioner at the address on file. After the time for filing an objection had run and no objection was filed, the Court conducted a *de novo* review of the file and entered a final judgment dismissing the habeas petition. However, the Court inadvertently failed to enter an order formally adopting the Magistrate Judge's Report and Recommendation.

Although the adoption of the Magistrate Judge's Report and Recommendation is implicit in the entry of final judgment, as a matter of

clarification, the Court hereby **ORDERS** that motion Report and Recommendation entered August 30, 2007 be and hereby is **ADOPTED** as the opinion of this Court.

**DONE** this the 19<sup>th</sup> day of February, 2013, *nunc pro tunc* the 2<sup>nd</sup> day of October, 2007.

*s/Charles R. Butler, Jr.* \_\_\_\_\_  
**Senior United States District Judge**