IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

TRAVIS KING,	)	
	)	
Petitioner,	)	
	)	
v.	)	**CIVIL ACTION NO. 5:11-CV-386 (MTT)**
	)	
CLAY TATUM,	)	
	)	
Respondent.	)	
	)	

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 15). The Magistrate Judge recommends granting the Respondent's Motion to Dismiss and dismissing the petition without prejudice for failure to exhaust state remedies prior to filing suit in federal court. The Magistrate Judge also recommends denying a certificate of appealability. The Petitioner has not filed an objection to the Recommendation.

Having read and considered the Recommendation, the Recommendation is adopted and made the order of this Court. The Respondent's Motion to Dismiss is **granted**, and the petition is **dismissed without prejudice**. Because the Petitioner has failed to meet the requisite standard, a certificate of appealability is **denied**.

SO ORDERED, this 20th day of July, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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