


U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
2011 NOV 30 PM 2:29

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

DUSTIN MCMILLAN, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 CLYDE R. SMITH, Sheriff, )  
 )  
 Respondent. )  
 )


CLERK   
SO. DIST. OF GA.

CASE NO. CV411-238

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation, to which no objections have been filed. (Doc. 7.) After a careful de novo review of the record, the report and recommendation is **ADOPTED** as the Court's opinion in this case, and the 28 U.S.C. § 2254 Petition is **DISMISSED WITHOUT PREJUDICE**. In addition, the Court declines to grant Petitioner a Certificate of Appealability, rendering moot any request for leave to appeal in forma pauperis. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 30<sup>th</sup> day of November 2011.

  
WILLIAM T. MOORE JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA