

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

BRUCE BERRY,

Petitioner,

vs.

CASE NO. 5:09cv57/RS/AK

ROBERT BUTTERWORTH, et al.,

Respondent.

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**ORDER**

Before me is the Magistrate Judge's Report and Recommendation (Doc. 10).

Plaintiff has not filed objections.

**IT IS ORDERED:**

1. The Magistrate Judge's Report and Recommendation (Doc. 10) is adopted and incorporated by reference in this Order.
2. Petitioner's petition for writ of habeas corpus is transferred to the United States District Court for the Middle District of Florida.
3. This case is dismissed without prejudice.

4. The clerk is directed to close the file.

**ORDERED** on May 21, 2009.

/S/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**