

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

VERNON JAMES EWELL,

Petitioner,

v.

CASE NO. 1:07-cv-00109-MP-AK

STATE OF FLORIDA,

Respondent.

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ORDER

This matter is before the Court on Doc. 27, Report and Recommendation regarding the Petition for Writ of Habeas Corpus, Doc. 1, filed by Vernon James Ewell. Upon consideration, the Magistrate Judge has recommended that the petition be denied and this cause be dismissed with prejudice. Petitioner has filed no objections to the Report and Recommendation, and the time for doing so has passed. Upon review, this Court finds no plain error in the Report and Recommendation, and agrees with the Magistrate that the petition is untimely and unexhausted. Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge, Doc. 27, is ADOPTED and incorporated herein.
2. The Petition for Writ of Habeas Corpus, Doc. 1, is DENIED, and this cause is DISMISSED WITH PREJUDICE.

DONE AND ORDERED this 16th day of September, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge