

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

ANTHONY HAWKINS,

Petitioner,

v.

CASE NO. 1:07-cv-00213-MP-AK

WALTER McNEIL,

Respondent.

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ORDER

This matter is before the Court on Doc. 43, Report and Recommendation of the Magistrate Judge, which recommends that Respondent's motion to dismiss, Doc. 28, be denied. Respondent has not filed an objection to the Magistrate's Report, and the time to do so has passed. Upon consideration, the Court agrees with the Magistrate that the motion should be denied. Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge, Doc. 43, is ADOPTED and incorporated herein.
2. Respondent's motion to dismiss, Doc. 28, is DENIED.
3. This case is REMANDED to the Magistrate for further proceedings.

DONE AND ORDERED this 9th day of February, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge