

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

DANNY ALLEN GREEN,

Petitioner,

v.

CASE NO. 1:09-cv-00204-MP-GRJ

WALTER A MCNEIL,

Respondent.

---

**ORDER**

This matter is before the Court on Doc. 67, the Report and Recommendation of the Magistrate Judge, recommending that the petition of Mr. Green be denied. The plaintiff filed objections, Doc. 69, and the Court has made a de novo determination of those portions of the Report and Recommendation to which objection was made. 28 U.S.C. § 636(b)(1)(C).

The Court agrees that Mr. Green's claim that the state information was deficient involves only state law and does not trigger federal constitutional review. Additionally, the Court agrees that Mr. Green did not exhaust the remain ten claims because he did not include them in his direct appeal although he should have. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

The Report and Recommendation of the Magistrate Judge is accepted and incorporated herein, except for the statement that J.S. was a minor. She was over eighteen at the time of the incident.<sup>1</sup> The petition for a writ of habeas corpus, Doc. 1, is **DENIED**, and a certificate of appealability is **DENIED**. The motion at Doc. 68 is also denied.

**DONE AND ORDERED** this 14th day of July, 2011

*s/Maurice M. Paul*

\_\_\_\_\_  
Maurice M. Paul, Senior District Judge

---

<sup>1</sup>Compare Doc. 34, Exh. C, p. 172, lines 11-12 (J.S.'s testimony at trial of her birth date) with Doc. 34, Exh. B, p. 1 (arrest report showing incident involving J.S. took place when she was 19). See also Green v. State, 951 So.2d 962 (Fla.App. 1 Dist.,2007).