

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

WILLIE N MATHIS,

Plaintiff,

v.

CASE NO. 1:11-cv-00070-MP -GRJ

STATE OF FLORIDA,

Defendant.

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ORDER

This matter is before the Court on Doc. 3, Report and Recommendation of the Magistrate Judge, recommending that the Motion for Rule 60(b)(4) be denied. The plaintiff filed a response, Doc. 4, which the Court construes as an objection to the Report and Recommendation. The Court agrees that plaintiff may not challenge an order of a state court using Fed. R. Civ. P. 60. To challenge a state court conviction, Mr. Mathis must seek relief under 28 U.S.C. § 2254. Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The motion at Doc. 1 is denied, and the Clerk is directed to close this case.

DONE AND ORDERED this 17th day of May, 2011

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge