

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

MATTHEW WARDER,

Petitioner,

v.

CASE NO. 1:11cv136-MP-GRJ

STATE OF FLORIDA,

Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated December 7, 2011. (Doc. 6). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. This case is dismissed for failure to prosecute, and the Clerk is directed to close the file.

DONE and ORDERED this 2nd day of February, 2012.

sl M. Casey Rodgers

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**