

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

LARRY HAYNES,
Petitioner,

v.

No. 3:05cv323/LAC/MD

STATE OF FLORIDA,
Respondent.

ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on August 23, 2005, pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing objections to the Recommendation, the Recommendation is adopted as the opinion of the Court.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. The § 2254 petition (doc. 1) is DISMISSED WITHOUT PREJUDICE, and the clerk is directed to send petitioner the Eleventh Circuit's form application for leave to file a second or successive petition.

DONE AND ORDERED this 6th day of September, 2005.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE