

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

TYRONE L. WARE,  
Petitioner,

vs.

Case No.: 3:05cv440/LAC/EMT

WALTER A. McNEIL,  
Respondent.

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**AMENDED ORDER**

This cause comes on for reconsideration of the magistrate judge's report and recommendation dated February 25, 2009 (Doc. 18). 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 the objections filed (Doc. 29).

Having reconsidered the report and recommendation, and the timely filed objections thereto, I have determined that the report and recommendation should be adopted.

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 petition for writ of habeas corpus (Doc. 1) is **DENIED** with prejudice.

**DONE AND ORDERED** this 14<sup>th</sup> day of May, 2009.

s/L. A. Collier

**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**