

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

ANDREW MILLER,
Petitioner,

vs.

Case No. 3:06cv308/RV/EMT

WALTER A. McNEIL,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated April 6, 2009 (Doc. 23). 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 all timely filed objections.

Having considered the report and recommendation, and any timely filed objections thereto timely filed, 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**.

DONE AND ORDERED this 11th day of May, 2009.

/s/ Roger Vinson _____

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE