

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

MALCOLM ALBRITTON,
#380491,
Petitioner,

vs.

Case No. 3:07cv251/LAC/EMT

WALTER A. McNEIL,
Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated December 5, 2008 (Doc. 31). 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.

Having considered 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 amended petition for writ of habeas corpus (Doc. 6) is **DENIED**.

DONE AND ORDERED this 28th day of January, 2009

s/L. A. Collier _____

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE