

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

STEPHEN M. MARTENS,
Petitioner,

vs.

Case No.: 3:07cv323/MCR/EMT

CHARLES HALLEY, WARDEN,
and WALTER A. McNEIL,
Respondents.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated January 29, 2009 (Doc. 28). 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 now **ORDERED** as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.

2. The amended habeas petition (Doc. 11) is **DENIED**.

3. All pending motions are **DENIED as moot**.

DONE AND ORDERED this 16th day of March, 2009.

s/ M. Casey Rodgers

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