

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

WILLIE REMBERT,

Petitioner,

vs.

Case No. 3:07cv426-LAC/WCS

WALTER A. McNEIL,

Respondent.

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ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated October 23, 2008. The parties have been furnished a copy of the report and recommendation and 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 portions to which an objection has been made.

Having considered the report and recommendation and the 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 motion to dismiss (doc. 20) is hereby **GRANTED**, and the § 2254 petition challenging the judgment of the First Judicial Circuit, Escambia County, case 00-4547-CFA, **DISMISSED** as untimely.

DONE AND ORDERED this 19th day of November, 2008.

s/L. A. Collier

LACEY A. COLLIER
Senior United States District Judge