

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

LINDA WHEELER,

Petitioner,

vs.

Case No. 3:08cv8-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 May 26, 2009 (doc. 23). The parties have been furnished a copy of the report and recommendation and afforded an opportunity to file objections. No objections have been filed.

Having considered the report and recommendation, 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 filed by Petitioner Wheeler pursuant to 28 U.S.C. § 2254, challenging the judgment and sentences imposed by the Circuit Court of the First Judicial Circuit, in and for Santa Rosa County, Florida, case number 04-802CFA, is **DENIED WITH PREJUDICE**.

DONE AND ORDERED this 26th day of June, 2009.

s/L.A. Collier
LACEY A. COLLIER
Senior United States District Judge