

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

MICHAEL RAY CLINES,

Petitioner,

vs.

Case No. 3:08cv208/MCR/WCS

WALTER McNEIL,

Respondent.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation. The Plaintiff has previously been furnished a copy of the Report and Recommendation and has 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 those portions to which an objection has been made.

Having considered the Report and Recommendation and all objections thereto timely filed by the parties, 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. 26) is **GRANTED**. Petitioner shall have 20 days to file amended § 2254 petition raising only his exhausted claim or, alternatively, a notice of voluntary dismissal of all claims.

**DONE AND ORDERED** this 3rd day of March, 2010.

*sl M. Casey Rodgers*  
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**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**