

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

KEVIN LEON NEAL,  
Petitioner,

vs.

Case No. 3:08cv277/RV/EMT

WALTER A. McNEIL,  
Respondent.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's report and recommendation dated January 9, 2009 (Doc. 16). 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 all timely filed objections.

Having considered the report and recommendation, and any timely filed 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. Respondent's motion to dismiss (Doc. 11) is **GRANTED**.
3. The petition for writ of habeas corpus (Doc. 1) is **DISMISSED** with prejudice as untimely.

**DONE AND ORDERED** this 3rd day of March, 2009.

/s/ Roger Vinson

**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**