

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

WILLIAM H. TANKERSLEY,
Petitioner,

vs.

Case No. 3:08cv382/MCR/EMT

SCOTT P. FISHER, WARDEN,
Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated September 11, 2008 (Doc. 5). Petitioner has 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 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 petition for writ of habeas corpus under § 2241 (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** to afford Petitioner an opportunity to exhaust his administrative remedies in accordance with BOP procedures.

DONE AND ORDERED this 22nd day of September, 2008.

sl M. Casey Rodgers

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