

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

WILLIAM T. TANKERSLEY,

Petitioner,

vs.

CASE NO.: 3:09cv22/MCR/MD

SCOTT P. FISHER,

Respondent.

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ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated July 20, 2009. The petitioner previously 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), and 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 petition for writ of habeas corpus under 28 U.S.C. § 2241 (doc. 1) is DISMISSED without prejudice for petitioner's failure to exhaust his administrative remedies.

3. The clerk is directed to close the file.

**DONE AND ORDERED** this 17th day of August, 2009.

*s/ M. Casey Rodgers*

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