

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

RAYMOND JAMES DUNN,
Petitioner,

vs.

CASE NO.: 3:09cv199/MCR/MD

WALTER A. MCNEIL,
Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated October 21, 2009. The 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), 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, I have determined that the report and recommendation should be adopted.

Accordingly, it is now ORDERED:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. The respondent's motion to dismiss (doc. 10) is GRANTED.
3. The petition for writ of habeas corpus (doc. 1), challenging the conviction and sentence in *State of Florida v. Raymond James Dunn*, in the Circuit Court of Okaloosa County, Florida, case no. 01-1608, is DISMISSED WITH PREJUDICE.

4. The clerk is directed to close the file.

DONE AND ORDERED this 15th day of January, 2010.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE