

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

HORACE HAMID KERSEY,
Petitioner,

vs.

Case No. 3:09cv202/MCR/EMT

STATE OF FLORIDA,
Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated June 11, 2009. (Doc. 6). 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. Petitioner's Notice of Voluntary Dismissal (doc. 5) is **GRANTED** and this action dismissed without prejudice.

DONE AND ORDERED this 10th day of July, 2009.

s/ M. Casey Rodgers

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