

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

WAYNE M. BEATON,
Petitioner,

vs.

Case No.: 3:09cv302/LAC/EMT

WALTER A. McNEIL,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 24, 2009 (Doc. 7). 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).

Having considered the Report and Recommendation, 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. 6) is **GRANTED** and this action dismissed without prejudice.

DONE AND ORDERED this 3rd day of November, 2009.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE