

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

MYLES STOKES,

Petitioner,

v.

3:09cv338-WS

STATE OF FLORIDA DEPARTMENT  
OF CORRECTIONS,

Respondent.

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ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed May 10, 2010. See Doc. 18. The magistrate judge recommends that the respondent's motion to dismiss be granted. The petitioner has filed no objections to the magistrate judge's report and recommendation.

Upon review of the record, the court has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 18) is hereby ADOPTED and incorporated by reference into this order.
2. The respondent's motion to dismiss (doc. 13) is GRANTED.
3. The petitioner's petition for writ of habeas corpus (doc. 1) is hereby DISMISSED WITHOUT PREJUDICE as a successive petition.
4. The clerk shall enter judgment accordingly.

5. A certificate of appealability shall not issue.

DONE AND ORDERED this 9th day of June, 2010.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE