

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

SIDNEY MARTS,  
Petitioner,

vs.

CASE NO.: 3:09cv352/MCR/MD

WALTER A. MCNEIL,  
Respondent.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's report and recommendation dated September 25, 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 petition for writ of habeas corpus (doc. 1) is DISMISSED WITHOUT PREJUDICE, and the clerk is directed to close the file.

DONE AND ORDERED this 29th day of October, 2009.

sl M. Casey Rodgers  
M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE