

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

RICARDO HECHEVARRIA,  
Petitioner,

vs.

3:09cv368/LAC/MD

BRUCE PEARSON, WARDEN,  
Respondent.

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ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on November 9, 2009, pursuant to 28 U.S.C. § 636(b)(1)(B), if any, the Recommendation is adopted as the opinion of the Court. No objections have been filed.

Accordingly, it is now ORDERED as follows:

1. The petitioner's amended petition for writ of habeas corpus filed under 28 U.S.C. § 2241 (doc. 7) is DISMISSED with prejudice as petitioner has not demonstrated entitlement to proceed under that section, and that treated as a § 2255 motion the petition is summarily dismissed as untimely.

DONE AND ORDERED this 14<sup>th</sup> day of December, 2009.

*s/L.A. Collier*

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LACEY A. COLLIER  
SENIOR UNITED STATES DISTRICT JUDGE