

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

LEROY BROOKS, #A203759,  
Petitioner,

vs.

Case No.: 3:09cv475/RV/EMT

WALTER A. McNEIL,  
Respondent.

---

**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated April 16, 2010 (Doc. 22). The parties have been furnished a copy of the Report and Recommendation and have 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 all timely filed objections.

Having considered the Report and Recommendation, and any timely filed 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. Respondent's motion to dismiss (Doc. 18) is **GRANTED**.
3. This habeas action is **DISMISSED** for lack of jurisdiction.
4. A certificate of appealability is **DENIED**.

**DONE AND ORDERED** this 10th day of May, 2010.

*/s/ Roger Vinson* \_\_\_\_\_

**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**