

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

PEDRO O. CABRERA,  
Petitioner,

vs.

Case No. 3:09cv483/MCR/EMT

SAM CULPEPPER, WARDEN;  
WALTER A. MCNEIL, SECRETARY OF PRISONS;  
U.S. DEPARTMENT OF JUSTICE IMMIGRATION  
AND NATURALIZATION,  
Respondents.

**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated November 3, 2009. (Doc. 4). 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). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any 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. Petitioner's "Motion to Compel 28 U.S.C. § 1361," construed as a petition for writ of mandamus (doc. 1), is **DISMISSED** for lack of jurisdiction.

**DONE AND ORDERED** this 19th day of November, 2009.

*s/ M. Casey Rodgers*

**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**