

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

KELVIN FRAZIER,

Petitioner,

v.

3:10cv48-WS

WALTER A. McNEIL,

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 February 24, 2010. See Doc. 18. The magistrate judge recommends that the petitioner's notice of voluntary dismissal, which has been docketed as a motion, 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 must 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 petitioner's notice of voluntary dismissal, construed as a motion, (doc. 16) is GRANTED, and the petitioner's petition for writ of habeas corpus (doc. 1) is DISMISSED WITHOUT PREJUDICE.

3. The clerk shall close the file.

DONE AND ORDERED this 26th day of March, 2010.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE