

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

HENRY L. BENNETT,
Petitioner,

v.

No. 3:10cv118/LAC/MD

WALTER A. MCNEIL,
Respondent.

ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on November 8, 2010, and no objections having been filed, the Recommendation is adopted as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1)(B).

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. The respondent's motion to dismiss with prejudice (doc. 9) is GRANTED and the petition for writ of habeas corpus (doc. 3) challenging the convictions and sentences in *State of Florida v. Henry L. Bennett, Jr.*, entered in the Circuit Court of Escambia County, Florida, case number 05-3403, is DISMISSED WITH PREJUDICE.
3. The petitioner's motion for stay (doc. 4) is DENIED.
4. The clerk is directed to close the file.
5. A certificate of appealability is DENIED.

DONE AND ORDERED this 13th day of December, 2010.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE