

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

**T.E. JURKOWICH,**

**Petitioner,**

**v.**

**3:10cv189/MCR/CJK**

**EDWIN G. BUSS,**

**Respondent.**

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**ORDER**

This cause comes on for consideration upon the magistrate judge's report and recommendation, dated July 15, 2011. After the report and recommendation was entered, the petitioner filed an amended petition (doc. 31), omitting certain unexhausted claims. Because it appears that the petitioner has no intention of pursuing the unexhausted claims, the court need not determine whether a stay is warranted in this case. The magistrate judge's report and recommendation, therefore, is rejected. The respondent's motion to dismiss (doc. 19) also is DENIED as moot, and this matter is remanded to the magistrate judge for further proceedings on the amended petition.

DONE AND ORDERED this 6th day of December, 2011.

*sl M. Casey Rodgers* \_\_\_\_\_

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