

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

SIDNEY MARTS,
Petitioner,

vs.

Case No. 3:10cv240/LAC/EMT

EDWIN G. BUSS,
Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge’s Report and Recommendation dated May 20, 2011 (Doc. 42). 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 the objections filed.

Having considered the Report and Recommendation, and the timely filed objections thereto, 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. 37) is **GRANTED** on the ground that the amended petition fails to properly present grounds demonstrating a basis for habeas relief.
3. The amended petition for writ of habeas corpus (Doc. 10) is **DISMISSED without prejudice** to Petitioner’s filing a second amended petition.
4. This matter is referred to the assigned magistrate judge for issuance of an order directing Petitioner to file a second amended petition.
5. Petitioner is instructed not to file a second amended petition until directed to do so

by the assigned magistrate judge.

DONE AND ORDERED this 1st day of June, 2011.

s/L.A. Collier _____
LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE