

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

ISAAC JEROME SMITH,
Petitioner,

v.

CASE NO.: 3:13cv170/MCR/CJK

UNITED STATES OF AMERICA,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated May 23, 2013. The petitioner previously 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). The petitioner filed a timely objection (doc. 7).

Having considered the report and recommendation and all timely filed objections, the court has 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. The amended petition for writ of habeas corpus filed under 28 U.S.C. § 2241 (doc. 4) is DISMISSED for lack of jurisdiction, as petitioner has not demonstrated entitlement to proceed under that section.
3. The clerk is directed to close the file.

DONE AND ORDERED this 7th day of June, 2013.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE