

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

MARLON MANUEL,

Petitioner,

v.

Case No. 3:16cv476-LC/CAS

STATE OF FLORIDA,

Respondent.

_____ /

ORDER

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge (ECF No. 11) that the petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, be dismissed without prejudice. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant 28 U.S.C. § 636(b)(1). No objections have been filed. Having considered the Report and Recommendation, I have determined the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The Report and Recommendation (ECF No. 11) is adopted and incorporated by reference in this order.

2. The Clerk shall enter judgment stating, “The petition is dismissed without prejudice.”

3. The Clerk shall close the file.

DONE AND ORDERED on February 6, 2017.

s/ L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE