

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

ANTHONY REGELIO GRIEGO,

Petitioner,

v.

Case No. 3:17cv66-LC/CAS

JULIE L. JONES, Secretary,
Florida Department of Corrections,

Respondent.

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ORDER

This cause comes before the Court on the Report and Recommendation of the Magistrate Judge (ECF No. 42) dated December 3, 2018, recommending that the Respondent's motion to dismiss (ECF No. 38) the amended petition filed pursuant to 28 U.S.C. § 2254 (ECF No. 7) as unexhausted be denied. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections. No objections have been filed.

Having considered the Report and Recommendation, I have determined that it should be adopted.

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

1. The Report and Recommendation, ECF No. 42, is adopted and incorporated by reference in this order.
2. The Respondent's motion to dismiss, ECF No. 38, is **DENIED**.
3. The Respondent must file an answer to the amended § 2254 petition within thirty (30) days, on or before 6 February 2019.
4. The Petitioner Anthony Regelio Griego may file a reply within 30 days after service of the answer.
5. The case is remanded to the magistrate judge for further proceedings.

DONE AND ORDERED on this 3rd day of January, 2019.

s/ L.A. Collier

LACEY A. COLLIER
Senior United States District Judge