

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

SHAWN LOWRY,

Petitioner,

v.

CASE NO. 3:17cv654/MCR/CJK

MIKE CARROLL,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated October 2, 2017. ECF No. 5. Petitioner 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). I have made a *de novo* determination of those portions to which an objection has been made.

Having considered the Report and Recommendation and all objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation, ECF No. 5, is adopted and incorporated by reference in this Order.
2. Petitioner's motion to voluntarily dismiss his petition, ECF No. 4, is GRANTED.
3. This case is DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(a)(1)(A)(i).
4. The clerk shall close the file.

DONE AND ORDERED this 31st day of October, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE