

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

ABNER M. AUST,

Petitioner,

v.

CASE NO. 4:06cv430-RH/EMT

WALTER A. McNEIL,

Respondent.

_____ /

ORDER DENYING PETITION

This case is before the court on the magistrate judge's report and recommendation (document 17). No objections have been filed. Upon consideration,

IT IS ORDERED:

The report and recommendation is **ACCEPTED** and adopted as the court's opinion. The clerk must enter judgment stating, "The petition is **DENIED** with prejudice." The clerk must close the file.

SO ORDERED on August 20, 2009.

s/Robert L. Hinkle
United States District Judge