

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

DEREK CURRY,

Petitioner,

v.

CASE NO. 4:07cv351-SPM/WCS

WALTER A. MCNEIL,

Respondent.

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ORDER

THIS CAUSE comes before the Court on the magistrate judge's report and recommendation (doc. 25) dated October 21, 2008. Petitioner has filed objections (docs. 28 and 29) pursuant to Title 28, United States Code, Section 636(b)(1). Having considered the objections, I have determined that the report and recommendation should be adopted.

For the reasons explained in the report and recommendation, Petitioner has failed to show that the state court's adjudication was contrary to or involved an unreasonable application of clearly established federal law, or based on an unreasonable determination of the facts, so as to warrant relief. 28 U.S.C. § 2254(d). Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 25) is

ADOPTED and incorporated by reference in this order.

2. The § 2254 petition, challenging the judgment of the Second Judicial Circuit, Leon County, Florida, Case Number 2001CFA3803A1 is denied with prejudice.

3. The motion (doc. 28) to expand the record and hold an evidentiary hearing is denied.

DONE AND ORDERED this 9th day of December, 2008.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge