

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

KEVIN LYONS,

Petitioner,

v.

CASE NO. 4:07-cv-00369-MP-WCS

WALTER A. McNEIL,

Respondent.

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**ORDER**

This matter is before the Court on Doc. 31, Report and Recommendation of the Magistrate Judge, which recommends that Petitioner's amended 28 U.S.C. § 2254 petition for writ of habeas corpus be denied with prejudice. The Magistrate entered the report on May 13, 2009. No party has filed an objection to the report, and the time to do so has now passed. For the reasons stated in the report, the Court agrees that the petition should be denied. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

The Report and Recommendation of the Magistrate Judge (Doc. 31) is ADOPTED and incorporated herein. Petitioner's amended 28 U.S.C. § 2254 petition for writ of habeas corpus, challenging the judgment and sentences of life and 30 years imposed by the Circuit Court of the Third Judicial Circuit, in and for Madison County, Florida, in case number 2001-119-CF, is DENIED WITH PREJUDICE.

**DONE AND ORDERED** this 16th day of June, 2009

*s/Maurice M. Paul*

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Maurice M. Paul, Senior District Judge