

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

ALBERT NEWMAN,

Petitioner,

v.

CASE NO. 4:08-cv-00058-MP-WCS

LARRY CAMPBELL, et al.
CHIEF JUSTICE,
CHIEF OF POLICE,
WILLIE MEGGS,
US ATTORNEY GENERAL,

Respondents.

ORDER

This matter is before the Court on Doc. 5, Report and Recommendation of the Magistrate Judge, recommending that the 28 U.S.C. § 2241 petition be denied in this case. The Report and Recommendation was originally returned as undeliverable, see Doc. 6, but Mr. Newman filed a change of address form, Doc. 7, and the Clerk remailed the Report and Recommendation to the new address, see Doc. 8, and it was not returned. The Court has allowed Mr. Newman several months to file objections but none have been filed. The Court agrees with the Magistrate Judge that Mr. Newman is attempting to litigate, in the guise of a petition challenging his pretrial confinement, affirmative defenses to his upcoming state prosecution. Petitioner demonstrates none of the "special circumstances" required to be shown to allow a federal court to adjudicate

the merits of an affirmative defense to a state criminal charge prior to a judgment of conviction by a state court. Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The petition in this case is denied, and the case is dismissed with prejudice.

DONE AND ORDERED this 6th day of November, 2008

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge