

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

BURT SETTS,

Petitioner,

v.

CASE NO. 4:08-cv-00367-MP-WCS

WALTER A. McNEIL,

Respondent.

_____ /

ORDER

This matter is before the Court on Doc. 12, Amended Objection to the Magistrate Judge's Report and Recommendation. Previously, Petitioner filed an objection to the Report at Doc. 9. The Court considered the objection in its October 20, 2008, order adopting the Report and Recommendation and dismissing this action. The instant objection was then filed on October 22, 2008, apparently without knowledge that the Court had already adopted the Report and Recommendation. The Court therefore construes Petitioner's objection as a motion for reconsideration. This action was dismissed due to Petitioner's failure to seek leave to file a second or successive § 2254 petition, as required by the Antiterrorism and Effective Death Penalty Act. In his amended objection, Petitioner attempts to argue the merits of his petition without addressing this failure. The Court sees no reason to reconsider its previous order. Accordingly, the motion for reconsideration at Doc. 12 is DENIED.

DONE AND ORDERED this 4th day of November, 2008

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge