

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

JASON DOBBINS,

Petitioner,

v.

CASE NO. 4:08cv464-SPM/WCS

WALTER MCNEIL,

Respondent.

ORDER

THIS CAUSE comes before the court on the magistrate judge's report and recommendation dated May 6, 2009 (doc. 8). Petitioner has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. Having considered the report and recommendation, I have determined that the report and recommendation should be adopted. Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 8) is ADOPTED and incorporated by reference in this order.
2. The § 2254 petition, challenging Petitioner's 2003 sentence imposed by the Second Judicial Circuit, Leon County, Florida, is summarily dismissed as untimely.

DONE AND ORDERED this 10th day of June, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge