

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

JOSEPH S. GARWOOD,

Petitioner,

vs.

CASE NO. 4:08cv501/RS-WCS

ALAN PASCAL,

Respondent.

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**ORDER**

Before me are the Magistrate Judge's Report and Recommendation (Doc. 5) and Petitioner's Response (Doc. 6). I have considered Petitioner's response *de novo*.

**IT IS ORDERED:**

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Petitioner's Complaint (Doc. 1) is dismissed because of failure to state a claim upon which relief may be granted.
3. The clerk is directed to close the file.

**ORDERED** on December 5, 2008.

/S/ Richard Smoak

**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**