

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

ANTONIO T. MARTIN,

Petitioner,

v.

CASE NO. 4:09-cv-00009-MP-WCS

WALTER McNEIL,

Respondent.

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ORDER

This matter is before the Court on Doc. 5, Report and Recommendation of the Magistrate Judge, which recommends that Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus be summarily dismissed as untimely. The Magistrate filed the Report on Monday, February 2, 2009. The Court furnished Petitioner with a copy of the Report and afforded Petitioner an opportunity to file objections. Petitioner has elected not to file an objection, and the time to do so has passed. Upon consideration, the Court agrees with the Magistrate that the petition should be dismissed. Accordingly, it is hereby

ORDERED AND ADJUDGED:

The Report and Recommendation of the Magistrate Judge, Doc. 5, is ADOPTED and incorporated herein. Petitioner's § 2254 petition for writ of habeas corpus, Doc. 1, is DISMISSED as untimely, and this case is closed.

DONE AND ORDERED this 4th day of March, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge