

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

DAVID RUIZ,

Petitioner,

v.

CASE NO. 4:09-cv-00021-MP-WCS

UNITED STATES OF AMERICA,

Respondent.

ORDER

This matter is before the Court on Doc. 4, Report and Recommendation of the Magistrate Judge, which recommends that the petition for writ of habeas corpus be dismissed without prejudice for failure to prosecute. The Magistrate filed the Report on March 5, 2009. Petitioner has filed no 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. 4) is ADOPTED and incorporated herein, and this case is DISMISSED without prejudice.

DONE AND ORDERED this 6th day of April, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge