

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

JACK ALLEN,

Petitioner,

v.

CASE NO. 4:09-cv-00085-MP-WCS

WALTER MCNEIL,

Respondent.

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ORDER

This matter is before the Court on Doc. 24, Report and Recommendation of the Magistrate Judge, which recommends that petition for writ of habeas corpus filed by Jack Allen pursuant to 28 U.S.C. § 2254 challenging his conviction for sexual battery in the Circuit Court of the Second Judicial Circuit, in and for Gadsden County, Florida, case number 2005-CF-375, be denied with prejudice and that a certificate of appealability be denied pursuant to § 2254 Rule 11(a). Petitioner has not objected to the recommendation, and the time for doing so has passed. Finding no plain error, it is accordingly

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge, Doc. 24, is ACCEPTED and incorporated herein.
2. Second Amended Petition for Writ of Habeas Corpus, Doc.14, is DENIED with prejudice.

3. Certificate of Appealability is DENIED pursuant to § 2254 Rule 11(a).

DONE AND ORDERED this 24th day of June, 2011

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge